

Supreme Court of Kentucky


ORDER

**IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND
PROCEDURE FOR THE 8TH JUDICIAL CIRCUIT, FAMILY
COURT DIVISION, WARREN COUNTY**

Upon recommendation of the Judges of the 8th Judicial Circuit, and
being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 8th Judicial Circuit,
Family Court Division, Warren County, are hereby approved. This order shall
be effective as of the date of this Order, and shall remain in effect until further
orders of this court.

Entered this the 4th day of April 2012.


CHIEF JUSTICE JOHN D. MINTON, JR.

RULES OF COURT
PRACTICE AND PROCEDURE
COMMONWEALTH OF KENTUCKY

WARREN CIRCUIT COURT, DIVISION III & IV
FAMILY COURT (WFCR)

WEBSITE

<http://courts.ky.gov/circuitcourt/familycourt/sites/warren.htm>

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RULE 1 INTRODUCTION/ADMINISTRATIVE PROCEDURE

101 Introduction.

- A. These are the Uniform Rules of Practice of the Family Court of Warren County, Eighth Judicial Circuit cited as WFCR, and shall be enforced in all divisions of the Family Court in Warren County. These Rules supplement the Kentucky Rules of Civil Procedure, the Kentucky Rules of Criminal Procedure, the Rules of the Warren Circuit Court (RWCC), and the Kentucky Family Court Rules of Procedure and Practice (FCRPP). These Rules shall be subject to modifications in accordance with changes of the KRS, the FCRPP or Kentucky Rules of Civil Procedure (CR).
- B. Where specified, these Rules are supplemented by local Administrative Orders which shall be available from the Warren Circuit Clerk. All areas of practice shall adhere to time frames as mandated by the Kentucky Supreme Court and adopted as Family Court Rules.
- C. The style and heading of all pleadings filed in Family Court shall be in accordance with the following, as applicable:

COMMONWEALTH OF KENTUCKY
8th JUDICIAL CIRCUIT
WARREN CIRCUIT COURT-DIVISION III
FAMILY COURT
MARGARET RYAN HUDDLESTON, JUDGE
CIVIL ACTION NO. _____

COMMONWEALTH OF KENTUCKY
8th JUDICIAL CIRCUIT
WARREN CIRCUIT COURT-DIVISION IV
FAMILY COURT
CATHERINE RICE HOLDERFIELD, JUDGE
CIVIL ACTION NO. _____

- D. The Judge will maintain order and courtroom decorum in proceedings before him/her. All persons in the courtroom or on the court floor shall be decently attired. Business attire shall be appropriate dress for all counsel in the courtroom.
- E. The WFCR Appendix contains sample forms. These forms are included as examples only. It is important to **use the most current forms**. AOC forms are not included in the WFCR Appendix; however, attorneys and pro se litigants may contact the Warren Circuit Court Clerk's Office to obtain the most current AOC forms or Court forms. The AOC forms may also be obtained online at: <http://courts.ky.gov/forms>

- F. The Warren Family Court Rules (WFCR) may also be obtained (in the near future) online at:
http://www.kycourts.net/AOC/familycourt/AOC_FC_Rules.shtm
- G. All documents intended for filing shall be filed at the Warren Circuit Court Clerk's office. Documents mailed directly to the Judge's chambers shall not be considered properly filed and will be returned to sender or discarded.

102 Effective Date.

The effective date of these rules shall be _____, 20___. All Rules previously adopted by the Warren Family Court or Warren Circuit Court which are inconsistent with these Rules are hereby rescinded as to actions assigned to the Family Court.

103 Citation.

These Rules shall be cited as WFCR.

104 Appeal from all Family Court Matters.

All appeals from Family Court shall proceed to the Kentucky Court of Appeals in accordance with KRS 22A.020(1) and the Kentucky Rules of Civil Procedure.

105 Holidays.

The Family Court shall adhere to the list of court holidays set out by the Chief Circuit Judge of Warren County.

RULE 2 COURT SCHEDULING / MOTION HOUR/PROCEDURES FOR FILING

201 Court Schedule (Note: Schedule is only a general guideline).

WARREN CIRCUIT, DIVISION III

Monday:	9:00 a.m.	Domestic Violence Hearings
	1:00 p.m.	Juvenile Dependency, Neglect and Abuse
Tuesday:	8:30 a.m.	Juvenile Dependency, Neglect and Abuse 2 nd , 4 th and 5 th Tuesday of each month
		Child Support Enforcement "CI" Docket 1 st and 3 rd Tuesday of each month
	1:00 p.m.	Paternity/Child Support Enforcement "J" Docket 1 st and 3 rd Tuesday of each month

Tuesday:	9:00 a.m.	Juvenile Dependency, Neglect and Abuse 2 nd , 4 th and 5 th Tuesday of each month
	2:00 p.m.	Juvenile Status Offender Hearings 2 nd , 4 th and 5 th Tuesday of each month
Wednesday:	9:00 a.m.	Domestic Relations Hearings/Trials
	1–1:15 p.m.	Scheduling Conference Docket/Every Wednesday
	1:15 p.m.	Domestic Relations Hearings/Trials
		Motion Hour 1 st and 3 rd Wednesday of each month
Thursday:	9:00 a.m.	Domestic Relations Hearings/Trials
	1:00 p.m.	Domestic Relations Hearings/Trials
Friday:	9:00 a.m.	Domestic Relations Hearings/Trials
	11:00 a.m.	Adoptions
	1:00 p.m.	Domestic Relations Hearings/Trials

WARREN CIRCUIT, DIVISION IV

Monday:	9:00 a.m.	Juvenile Dependency, Neglect and Abuse
	1:00 p.m.	Domestic Violence Hearings
Tuesday:	9:00 a.m.	Domestic Relations Hearings/Trials
	1:15 p.m.	Scheduling Conference Docket Every Tuesday
	1:30 p.m.	Motion Hour 1 st and 3 rd Tuesday of each month
Wednesday:	8:30 a.m.	Paternity/Child Support (District Court “J” Docket) 2 nd and 4 th Wednesday of each month
	9:00 a.m.	Juvenile Matters/Dependency, Neglect and Abuse 1 st and 3 rd Wednesday of each month
	1:15 p.m.	Child Support Hearings (Circuit Court “CI” Docket) 2 nd and 4 th Wednesday of each month

	2:00 p.m.	Juvenile Status Offender Hearings 1 st and 3 rd Wednesday of each month
Thursday:	9:00 a.m.	Domestic Relations Hearings/Trials
Friday:	9:00 a.m.	Adoptions
	9:30 a.m.	Domestic Relations Hearings/Trials

202 Process for Filing Motions and Notice; Motion Hour and Scheduling Conference.

A. Filing Domestic Relations Motions and Notice of Hearing

All contested domestic relations motions shall be filed with the Warren Circuit Court Clerk. At the time of filing, the Clerk shall complete the provided notice by scheduling the motions for hearings according to the calendar established by the Family Court Judge.

The party filing said motion shall be responsible for service of said motion and notice on the opposing party pursuant to CR 7.02 and 11.

B. Motions Not Requiring An Evidentiary Hearing. “Motion Hour”

All contested domestic relations motions that do not require an evidentiary hearing shall be scheduled for hearing during regular **motion hour**. Specify in the style and heading of the pleading **“This Motion Does Not Require An Evidentiary Hearing.”** Note: Rule of Contempt hearings will be scheduled on Motion Hour unless otherwise scheduled by the Court.

C. Motions Requiring An Evidentiary Hearing. “Scheduling Conference”

All motions requiring an evidentiary hearing shall state the length of time anticipated for the hearing. Each motion shall include the legal grounds and authority for the requested hearing. Those contested domestic relations motions requiring an evidentiary hearing, with the exception of Motion for Rule of Contempt (see WFCR 703C.(9)), shall be noticed and set for a **scheduling conference** during the weekly motion scheduling docket. The weekly scheduling docket in Warren Circuit, Division III, shall be each Wednesday at 1:00 p.m. The weekly scheduling docket for Warren Circuit, Division IV, shall be each Tuesday at 1:15 p.m. For good cause, counsel or counsel’s authorized assistant may attend the scheduling conference telephonically, at which time the motion requiring an evidentiary hearing shall be set for evidentiary hearing. Counsel for the party filing a motion requiring an evidentiary hearing shall specify in the style and heading of the pleading **“This Motion Requires An Evidentiary Hearing.”** Motions requiring evidentiary hearings shall be filed at least three business days

in advance of the scheduling hour. Failure of counsel or designated assistant to be available for the Scheduling Conference will result in the Motion being denied.

D. Scheduling Final Trials.

All final trials shall be scheduled on a date and time assigned by the presiding Family Court Judge at a Pretrial Conference or at a Motion Hour. A Trial Order shall be generated by the Court unless otherwise agreed.

E. Filing Juvenile, Paternity and Domestic Violence Motions/Petitions and Scheduling. Cabinet for Health and Family Services Filing Schedule.

1. All petitions and motions relating to Juvenile Dependency/Neglect/Abuse, Paternity, or Domestic Violence shall be filed with the Warren County Juvenile Clerk or the Domestic Violence Clerk, as appropriate. A separate Scheduling Order shall be tendered to the appropriate Clerk who shall complete the Order by scheduling the motion for hearing according to the calendar established by the Family Court Judge or request immediate review by the Court in accordance with the Domestic Violence Protocol.
2. Cabinet for Health and Family Services' Reports shall be filed with the Warren Circuit Clerk as follows:
 - a. Warren Circuit, Division III: Reports must be filed by the preceding Wednesday at 1 p.m. for a Monday docket and the preceding Thursday by 9 a.m. for a Tuesday docket;
 - b. Warren Circuit, Division IV: Reports must be filed by the preceding Wednesday at 9 a.m. for Monday dockets and the preceding Friday at 9 a.m. for Wednesday Docket.

Cabinet for Health and Family Services' Reports may be served upon counsel of record by e-mail with proper certification such as: "This report was sent by facsimile or e-mail to _____, attorney for _____, at _____ on _____, with the signature of the Cabinet for Health and Family Services casework."

RULE 3 ADOPTIONS/TERMINATION OF PARENTAL RIGHTS

301 Time Frames and Statutory Mandates.

All adoptions and termination actions shall strictly comply with FCRPP Section VII., Adoption and Termination of Parental Rights, and shall adhere to the statutory timelines and mandates. Counsel shall read Wright v. Howard, 711 S.W. 2d 492 (Ky.App. 1986) and its progeny before filing a Petition for adoption or termination of parental rights. IF NOT IN STRICT COMPLIANCE, THE COURT, UPON *SUA SPONTE* REVIEW, MAY DISMISS THE ACTION. See checklist in Appendix A-1.

302 Venue and Petition.

The petition shall be in strict compliance with KRS 199.490, 625.040 or 625.050, and counsel is directed to review said statutes to ensure that all mandatory allegations are properly asserted. See also FCRPP 32 and 33.

303 Judgment and Findings of Fact.

No later than three (3) business days prior to the Final Hearing, the Petitioner shall tender a proposed Findings of Fact and Conclusions of Law and a separate Judgment of Adoption or Termination of Parental Rights for entry by the Court. Should the Court require revisions, the Petitioner shall tender a revised Findings of Fact and Conclusions of Law and a separate Judgment of Adoption or Termination of Parental Rights within three (3) business days following the Final Hearing for the Court's entry.

The Judgment of Termination of Parental Rights shall include only the name of the child. In the separate Judgment of Adoption, the name of the child shall be changed to conform with the prayer of the petition, pursuant to KRS 199.520.

304 Guardian ad Litem.

- A. *Guardian ad Litem* standards and expectations of practice are articulated by Family Court Policy contained in the Appendix A-2. Pursuant to KRS 199.480(3), no *Guardian ad Litem* need be appointed in an adoption proceeding when the requirements of the statute are met.
- B. *Guardian ad Litem* fee Motion and Affidavit shall be promptly filed at the final hearing or prior to entry of the final judgment. See also WFCR 308.

305 Involuntary Termination of Parental Rights.

The summons in the action shall include a statement that termination of parental rights means loss of all rights to custody, co-parenting and communication with the child, and that if termination is granted, the parent will receive no notice of future legal proceedings concerning the child; an explanation of the need to respond immediately to the notice to prepare for trial because important hearings will take place prior to trial; and an explanation of how to find the time and place of hearings in the case. See Appendix A-3.

After service has been perfected on all parties, counsel shall file a motion and schedule a final trial. At the conclusion of all pretrial proceedings and once all parties have been properly served, the Court will set a trial date.

306 Voluntary Termination of Parental Rights.

Along with the Petition for Termination of Parental Rights, a motion to schedule final trial and Order scheduling final trial shall be filed with the Warren Circuit Clerk along

with a tendered order. The Clerk shall promptly bring the file to the judicial assistant for scheduling. Within three (3) business days after a petition for the voluntary termination of parental rights is filed, the Court will set a date for a hearing which shall not be more than thirty (30) calendar days after the petition is filed. KRS 625.042(1). See Appendix A-4.

307 *Guardian ad Litem*/Court-Appointed Counsel in Post-Judgment Matters.

- A. In all post-judgment TPR matters, the *Guardian ad Litem* or court appointed counsel for parent previously appointed by the Court shall continue to serve in such capacity unless otherwise ordered.
- B. If the previously appointed *Guardian ad Litem* or court appointed counsel for parent is unable or unwilling to serve, or if no *Guardian ad Litem* or court appointed counsel for parent has been previously appointed, a *Guardian ad Litem* or court appointed counsel for parent, if the parent is determined to be indigent, shall be appointed pursuant to statutory authority.

308 *Guardian ad Litem* Fee/Court Appointed Counsel for Parent Affidavit.

Motions for compensation shall be accompanied by an affidavit detailing:

- A. The statutory basis for appointment;
- B. The hours of service rendered and the hourly fee requested; and
- C. That the action or proceeding has been concluded and date of disposition.

309 Post-Termination of Parental Rights Review.

If an Order terminating parental rights is entered, review hearings shall be conducted pursuant to FCRPP 36 in the related juvenile proceeding, and counsel in the termination action shall tender an Order to the Court to this effect. No such review shall be required if permanency has been obtained at the time of the final determination. If the juvenile action is pending in a venue outside of Warren County, the Order regarding the FCRPP 36 review hearing shall be forwarded to the Court presiding over the related juvenile action.

RULE 4 DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

401 Scope and Applicability.

The Warren County Domestic Violence Protocol and 24 Hour Accessibility Policy is attached hereto in Appendix A-5 and shall be incorporated herein by reference as if set out in full.

402 Violation of Domestic Violence Orders.

- A. Without restricting a party's choice of remedies, alleged violation of Domestic Violence Orders may be processed as criminal actions for a violation and may be referred to District Court for prosecution, except as set forth in WFCR 402(B.).
- B. Without restricting a party's choice of remedies, alleged violations of Domestic Violence Orders pertaining to visitation, child support, counseling, or other non-violent acts should be initiated through Family Court and scheduled for civil contempt hearings on the appropriate Family Court docket. Firearms violations will be referred to law enforcement for federal prosecution.
- C. If the court finds that a "substantial violation" of a Domestic Violence Order has occurred, as defined by KRS 403.761(1), the court may require the respondent, upon request of the petitioner or by the court's motion, to wear a global positioning monitoring device. The use of this device and all rights and responsibilities of all parties shall be consistent with KRS 403.761 and 403.762.

403 Domestic Violence Hearings.

Cases shall be allotted fifteen minutes to ensure that all cases set for a given date and time are heard in a timely manner. If parties require more than fifteen minutes to present their evidence, the Court may assign the parties to a time at the end of the docket or the parties may be given another date. Counsel for either party may approach the bench at the beginning of the docket to advise the Court that an extended evidentiary hearing will be required and the case should be rescheduled to an appropriate date. If the respondent has been served, the emergency protective order shall be reissued at that time and served with a summons containing the new hearing date.

RULE 5 PATERNITY

501 Introduction/Scope and Applicability.

These Rules shall govern paternity and child support actions pursuant to KRS Chapters 405, 406 and 407.

502 Motion Practice.

- A. Motions for judgment on the pleadings, summary judgment, to set aside default judgments, and to dismiss shall be noticed for a hearing scheduled at least twenty (20) days from the certification date on the motion.
- B. Motions for appointments of *Guardian ad Litem*, *Guardian ad Litem* fees, and to compel discovery shall stand submitted to the Court, unless a written objection

and request for hearing is filed within seven (7) calendar days from the date contained in the certificate of service.

- C. Motions to establish, modify, suspend or terminate child support and responses thereto shall proceed according to the applicable provisions of FCRPP 9 and WFCR 202 and 703A.
- D. Any party who has income from any branch of the military shall provide to the opposing party documentation verifying his/her total pay, with each allowance specifically set forth, at least seven (7) days prior to any hearing.

503 Co-parenting Time/Visitation.

Any issue relating to custody, co-parenting and/or visitation within a paternity action may be considered by the Court pursuant to KRS 406.051(2). No designation regarding custody shall be included in a paternity judgment unless custody is specifically asserted in the petition and there is first a proper motion with proper notice and opportunity to be heard.

504 Administrative Establishment of Child Support.

- A. The Warren County Attorney's Office, Child Support Division, as agent for the Cabinet for Health and Family Services, may administratively establish child support and/or medical obligation pursuant to KRS 405.430, if:
 - 1. Paternity is not in question,
 - 2. There is no existing order of child support,
 - 3. The non-custodial parent resides or works in Kentucky, and
 - 4. The non-custodial parent's address is known.
- B. The support obligation shall be determined in accordance with the guidelines found in KRS 403.212.
- C. Pursuant to KRS 405.450, the non-custodial parent shall have the right to appeal the administrative order to a Cabinet for Health and Family Services hearing officer.
- D. Warren Family Court shall be the appropriate venue for appeals of a hearing officer's final order. No Petition for Review of an administrative order shall be filed in Warren Family Court until all administrative remedies have been exhausted. Judicial review shall be conducted in accordance with KRS 13B.150.

RULE 6 DEPENDENCY, NEGLECT, AND ABUSE

601 Introduction/Scope and Applicability.

These Rules shall govern dependency, neglect and abuse actions as defined by the Kentucky Unified Juvenile Code as set forth at KRS Chapter 600 and KRS Chapter 620 and shall incorporate FCRPP 16 through 31.

602 Petition.

- A. For Petitions filed by non-Cabinet for Health and Family Service workers, all petitions shall be filed in accordance with FCRPP 20 and shall be submitted to the Warren County Attorney, who shall check the petition for legal sufficiency. If the petition is rejected by the county attorney, it shall be submitted to a Family Court Judge for determination of legal sufficiency. If the judge determines that the petition fails to state grounds for action pursuant to KRS Chapter 620, the petition shall be dismissed. If the petition is approved, the assistant county attorney or judge, as appropriate, shall initial the petition and return to the clerk for scheduling.
- B. Upon the filing of a juvenile petition in the Juvenile Court Clerk's Office, a Clerk shall enter the case into the management information system, assign a case number, prepare the *Guardian ad Litem* appointment order, and issue a packet of process. The packet of process shall include a copy of the petition, a statement of the rights of the parents, a copy of the Emergency Custody Order if one was issued, the original summons, the *Guardian ad Litem* Order, and an affidavit of indigency form, AOC DNA-11 form, as required by FCRPP 18. A *Guardian ad Litem* shall be appointed at the time of filing the petition, unless the petition is dismissed.

603 Effect of Service on only one Parent/Person Exercising Custodial Control or Supervision.

The Judge may permit the temporary removal hearing or the adjudicatory hearing to go forward when one parent has not been served if it is established on the record that the Petitioner has made diligent efforts to serve all other parties in time to permit them to prepare for and participate in the hearing, including initiating contact with the Child Support Division of the County Attorney's Office in an attempt to locate any absent parent. The Petitioner shall make continuing diligent efforts after the hearing to locate and notify all persons who were not served. If the second parent or persons exercising custodial control or supervision has not been served with the petition prior to a hearing, but is subsequently notified of the proceedings, the Court will hear the matter, giving preference to statutory actions seeking entitlement of custody.

604 *Guardian ad Litem/Court-Appointed Counsel.*

- A. The Family Court has adopted guidelines for attorneys representing children which are included in Appendix A-6.
- B. To address the growing needs related to the *Guardian ad Litem/Court-Appointed Counsel Roster* in Warren County, the following shall apply:
 - 1. Establishment of **Warren County Family Court *Guardian ad Litem* Committee**

Warren Family Court will coordinate with the Bowling Green-Warren County Bar Association to establish a *Guardian ad Litem/Court-Appointed Counsel Committee* (hereinafter referred to as “the committee”) to carry out duties related to the *Guardian ad Litem/Court-Appointed Counsel roster*. The committee shall be comprised of two local attorneys not involved in *guardian ad litem* work for Warren Family Court, and one local attorney in good standing on the *Guardian ad Litem/Court-Appointed Counsel roster* (hereinafter “roster”). The roster representative shall be a rotating, bi-annual membership of the committee.

In accordance with these rules, the committee shall carry out the following responsibilities: (1) accept applications from interested attorneys for the roster; (2) screen applicants for the roster; (3) approve/deny applicants for the roster; (4) work with Warren Family Court and members of the roster regarding compliance and/or practice concerns; and (5) meet with roster members if necessary regarding concerns and determine whether or not said attorney shall remain on roster. The committee shall convene at minimum every three months or as necessary to address any specific reports of *Guardian ad Litem/court-appointed counsel* ethical violations and to review new applications.

2. Application Procedure

Attorneys interested in being appointed to the Warren County Family Court *Guardian ad Litem/Court Appointed Counsel Roster* shall submit the Warren County Family Court *Guardian ad Litem/Court Appointed Counsel Roster Application* to the Warren County Family Court Administrator. Attorneys shall attach to the application any relevant documentation, including proof of completion of a *Guardian ad Litem* training. See Appendix A-7.

The Family Court Staff shall forward the application to the *Guardian ad Litem/Court-Appointed Counsel Committee* who will schedule a time to meet with applicant and approve/deny applicant for the roster.

New roster members shall be subject to a three-month probation period, during which the court attendance, court performance, and execution of all duties related to the **Responsibilities of *Guardian ad Litem*** (Appendix A-6) shall be monitored by the Court. After the probation period, the committee shall submit a final decision regarding approval/denial to the roster to the Family Court Staff, who shall publish roster.

3. Complaint Process

Any party or counsel may submit a written complaint to the Family Court Staff who shall promptly forward the complaint to the committee. The committee shall have discretion to determine the necessary action, i.e., place complaint in the attorney file without other action, require attorney to appear at committee meeting for review, etc. Additional examples of sanctions include verbal reprimand, written reprimand, monetary fine for contemptuous conduct, referral to the Kentucky Bar Association Ethics Committee, and removal from the roster. If a sanction of removal from the roster is made by the committee, a written report shall be made and forwarded to the Court under seal and not filed in any juvenile action or other court action.

4. Annual Recommitment to the *Guardian ad Litem*/Court-Appointed Counsel List

By August 1 of each year, roster members shall submit to the Family Court Staff in writing a letter of intent to continue on the roster. Roster members shall attach to the letter proof of at least three hours of Continuing Legal Education credit relevant to practice as a member of the *Guardian ad Litem*/Court-Appointed Counsel roster.

The Family Court Staff shall forward to the committee these letters for approval/denial. The committee shall report to the Family Court Staff regarding status of roster members.

5. Payment of *Guardian ad Litem*/Court-Appointed Counsel

For appointments pursuant to KRS 620.100 the *Guardian ad Litem* and Court-appointed counsel shall submit an Order for Attorneys Fees on Finance and Administration form FINGAL-1.

6. Nothing in these rules limits the judge's right to impose sanctions for contempt of court, which may include imposition of monetary fines or immediate removal from the roster, or the judge may bring to the attention of the committee or individual attorney.

C. When the Juvenile Clerk appoints a *Guardian ad Litem* or court-appointed counsel, the Clerk shall provide a free copy of the following documents to the

appointed attorney if contained in the Court file: the Order of Appointment, Juvenile Dependency, Neglect and Abuse Petition, Emergency Custody Order Affidavit, Emergency Custody Order, Affidavit of Reasonable Efforts, any pending motions and most recent report from the Cabinet for Health and Family Services. The Clerk shall provide the *Guardian ad Litem* or court-appointed counsel a copy of the complete Court file, at no cost, if the *Guardian ad Litem* or court-appointed attorney determines that he/she requires a copy of the entire file in order to adequately discharge his/her duties.

605 Pretrial Conferences.

- A. A Pretrial Conference may be requested by a party or ordered by the Court.
- B. If a Pretrial Conference is held, the hearing shall address all applicable issues, including the following:
 - 1. Adequacy of service;
 - 2. Relative placements and co-parenting schedules;
 - 3. Paternity and child support;
 - 4. Identification of witnesses and availability of records and reports;
 - 5. Scheduling of ongoing services for children and parents/persons exercising parental control/supervision;
 - 6. Identification of any immediate risks of harm to the children;
 - 7. Consideration of criminal charges and coordination with County Attorney/Commonwealth Attorney's Offices;
 - 8. Immediate and long-term goals for social services addressing family and child(ren)'s needs;
 - 9. Standing of persons exercising parental control and supervision; and/or
 - 10. Informal adjustment.
- C. It is important to note that the Pretrial Conference may be conducted by the staff attorney or support worker when the Family Court Judge deems it appropriate.

606 Disposition Hearing.

At the dispositional hearing and the FCRPP 30 hearing (6 month), the Cabinet for Health and Family Services shall provide the court and all parties with the information required pursuant to FCRPP 28 by completing AOC Form DNA-12. In addition, CHFS shall provide a suggested parenting plan, and after citing specific findings, an explanation of any proposed court-ordered restrictions to be placed on the visits. See WFCR 202E(2)

607 Requesting a Court Review.

Any party may request the Court to conduct a review hearing at any time. The party requesting the review shall provide a clear statement of why a review hearing is necessary and attach any affidavits deemed appropriate.

608 Annual Dispositional Reviews/Permanency Hearings.

- A. The court will conduct an annual dispositional review in each case in which the child(ren) are placed out of the home with the Cabinet for Health and Family Services. The review will take place on the approximate anniversary following the date of initial placement with the Cabinet for Health and Family Services and continue year after year until permanency is obtained for the child(ren).
- B. The post-termination of parental rights review mandated in FCRPP 36 and WFCR 309 shall be scheduled in the juvenile action. The court shall schedule the hearing and give notice to counsel at the time the termination of parental rights is granted. By order of the Court, the parents' names shall be removed from the clerk's distribution list.

609 Continuances.

In any case in which the parties waive the 45 day requirement of KRS 620.090(5) or the parties agree to continue the temporary custody order beyond the 45 days, all parties shall agree in writing and state specific reasons why the waiver and/or continuance beyond the 45 days is necessary to serve the best interest of the child, i.e., for accumulation or presentation of evidence or witnesses, to protect the rights of a party, or for other good cause.

RULE 7 DOMESTIC RELATIONS PRACTICE

701 Assignment and Hearing of Cases.

Trials in chief of all domestic relations cases and all matters relating to child custody shall be heard by a Family Court Judge. The foregoing provisions shall not preclude the use of depositions as provided in CR 32.01.

702 Parents Education Clinic, Procedure and Failure to Attend.

- A. Parties with minor children involved in a divorce proceeding may be ordered to participate in the Parents Education Clinic except for good cause shown. Information regarding the Parents Education Clinic may be obtained from the Clerk assigned to the Family Court. **If ordered to attend:**
 - 1. **The Petitioner and the Respondent must complete participation in the Parents Education Clinic within thirty (30) days of entry of appearance by the Respondent or within thirty (30) days of the filing of an answer by the Respondent.**
 - 2. The parties shall file their certificates of completion prior to the conclusion of the divorce proceeding.
 - 3. Non-local parties may attend an alternate but similar program provided the program is approved by the Court.

- B. If ordered to attend the Parents Education Clinic, a party's failure to attend may result in delay of the court action and imposition of costs, attorney's fees and any other appropriate sanctions, including contempt. Furthermore, a party not designated as the primary residential custodian may be denied visitation or co-parenting with their minor child until the party files a certificate of completion of the Parents Education Clinic. On a case by case basis, the Decree may include language that the noncompliant parent's visitation or co-parenting time shall be suspended until such time as the parent/party is compliant with this rule. A parent unable to comply due to incarceration shall attend the Parents Education Clinic within 90 days of release from incarceration.

703 Procedure in Actions for Custody, Visitation, Child Support, Maintenance, Disposition of Property, Legal Separation and Dissolution of Marriage.

A. Personal Identifiers and Case Data Information Sheet

1. All pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph 2 below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. Parties shall also tender an order sealing the unredacted copy with the unredacted copy of the pleading, document, or exhibit containing personal identifiers. See Appendix A-8. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court. As used in this section, "personal identifier" means a Social Security number or tax-payer identification number, date of birth, or financial account number.
2. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by KRS 403.135, KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.
3. A Case Data Information sheet on Form AOC-FC-3 must be fully completed in cases involving minor children. The Petitioner's counsel shall also provide the Clerk of the Court with two additional copies of the Case Data Information sheet (Form AOC-FC-3) referenced above for

distribution to the Cabinet for Health and Family Services and to the County Attorney.

B. Agreed Actions

1. An agreed action is one in which the parties agree on all issues at the time of filing.
2. Mandatory Case Disclosures are not required to be filed in agreed actions if waived by the Court. The parties may submit an Agreed Order Waiving the filing of Preliminary Verified Disclosure Statement (FCRPP 2(3)) and Final Verified Disclosure Statement (FCRPP 3(3)(b)).
3. Both the Petitioner and the Respondent in actions involving minor children, regardless of agreement, are required to attend the Parent Education Clinic in accordance with WFCR 702 if so ordered by the Family Court Judge.
4. In an agreed action, a decree of dissolution may be obtained without a hearing by filing a motion or agreed order to submit for decree of dissolution of marriage.
 - a. The motion shall contain the following information and attachments pursuant to FCRPP 3(1)(a)(i):
 - (1) The date of marriage and separation;
 - (2) The date the petition for dissolution was filed;
 - (3) The date the respondent was served or filed an entry of appearance;
 - (4) The dates the verified disclosures were filed unless otherwise waived by the court (if waived reference the date of the court's waiver order);
 - (5) If the parties have minor children of the marriage, and if ordered by the court, copies of certificates of completion of divorce education/parenting class by each party, unless previously filed (if so, indicate date of filing);
 - (6) A copy of the separation agreement, unless previously filed (if so, indicate date of filing);
 - (7) A written deposition executed under oath by either party setting forth testimony required at a hearing;
 - (8) A written waiver of the right to a hearing executed by both parties and an affidavit stating that the parties have lived apart for sixty (60) days, and that no material change in circumstances has occurred since the taking of proof (this requirement may be included in the separation agreement); and
 - (9) A request for name restoration, if any, in writing.

C. Contested Actions

1. Status Quo Orders

- a. All newly filed divorces may be subject to a status quo order ("Status Quo Order") pursuant to FCRPP 2(5). If a "Status Quo Order" is entered the movant shall be responsible for personal service upon the opposing party. The opposing party shall have fourteen (14) days to file an objection and schedule a motion to dissolve or amend the "Status Quo Order."
- b. The parties may agree to entry of an AOC-237, "Status Quo Order."

2. Verified Disclosure Statements

- a. Pursuant to FCRPP 2(3) and subject to WFCR 703C.(2)(b), AOC-238, Preliminary Verified Disclosure Statements, shall be exchanged within forty-five (45) days of filing the petition, and objections thereto shall be exchanged twenty (20) days thereafter. These preliminary statements shall not be filed with the court
- b. The parties may submit an Agreed Order allowing the filing of a Preliminary Verified Disclosure Statement by Petitioner and an acknowledgement of its accuracy by Respondent in lieu of the provision of WFCR 703C.(2)(a). The Respondent may sign a notarized Preliminary Verified Disclosure Statement Acknowledgement. Such Acknowledgement shall state that there are no other assets or debts other than those listed in the Petitioner's Preliminary Verified Disclosure Statement. See AOC-238 and Appendix A-9.
- c. Failure to comply with the filing of a Preliminary Verified Disclosure Statement or a Preliminary Verified Disclosure Statement Acknowledgement SHALL result in an award of attorney's fees to the moving party under the following circumstances:
 - (1) The moving party has completed and timely filed a notarized Preliminary Verified Disclosure Statement as required by WFCR 703(C)(2)(a) or (b);
 - (2) The non-moving party has failed to complete and timely file a notarized Preliminary Verified Disclosure Statement or notarized Preliminary Verified Disclosure Statement Acknowledgement;
 - (3) Thereafter, the moving party provides the noncompliant party with a written request to file a Preliminary Verified

- Disclosure Statement or Preliminary Verified Disclosure Statement Acknowledgement within 10 business days of the date of said written request;
- (4) Thereafter, the noncompliant party fails to timely comply with the written request for compliance; and
 - (5) The moving party files a motion for an award of attorney fees and request for compliance with WFCR.
- d. Subject to WFCR 703C.(2)(e), if the parties do not reach an agreement on any or all issues, the parties shall file AOC-239 Final Verified Disclosure Statements in the record no less than 10 days before the final hearing.
- e. The parties may submit an Agreed Order allowing the filing of a Final Verified Disclosure Statement by Petitioner and an acknowledgement of its accuracy by Respondent in lieu of the provision of WRCR 703C(2)(d). The Respondent may sign a notarized Final Verified Disclosure Statement Acknowledgement. Such Acknowledgement shall state that there are no other assets or debts other than those listed in the Petitioner's Final Verified Disclosure Statement. See Appendix A-9.
- f. In accordance with KRS 403.135 and CR 7.03, the personal identifiers of the parties and children SHALL NOT be disclosed in the Verified Disclosure Statement or the Verified Disclosure Statement Acknowledgment. See WFCR 703A and Appendix A-9.
- g. Failure to comply with the filing of a Final Verified Disclosure Statement or a Final Verified Disclosure Statement Acknowledgement SHALL result in an award of attorney's fees to the moving party under the following circumstances:
- (1) The moving party has completed and timely filed a notarized Final Verified Disclosure Statement as required by WFCR 703(C)(2)(a) or (b);
 - (2) The non-moving party has failed to complete and timely file a notarized Final Verified Disclosure Statement or notarized Final Verified Disclosure Statement Acknowledgement;
 - (3) Thereafter, the moving party provides the noncompliant party with a written request to file a Final Verified Disclosure Statement or Final Verified Disclosure Statement Acknowledgement within 10 business days of the date of said written request;
 - (4) Thereafter, the noncompliant party fails to timely comply with the written request for compliance; and

- (5) The moving party files a motion for an award of attorney fees and request for compliance with WFCR; order shall be entered at the judge's discretion.

3. Exchange of Releases for Information and Documents

Pursuant to FCRPP 2(4) and these rules, all parties shall sign and return all releases for relevant information and documents prepared and submitted by the other party within ten (10) business days. Such releases shall contain a provision directing that any information or documents provided in writing to the requesting counsel or *pro se* party shall simultaneously be transmitted to the other counsel or *pro se* party at the requesting party's expense. Nothing in this rule precludes the adverse party from the ability to file for protective orders.

4. Scheduling Order Regarding Discovery, Amendment of Pleadings, Experts and Mediation

- a. A Scheduling Order Regarding Discovery, Amendment of Pleadings, Experts and Mediation shall be entered in every case within 60 days following service of the petition upon respondent;
- b. The parties are strongly encouraged to enter into an Agreed Scheduling Order Regarding Discovery, Amendment of Pleadings, Experts and Mediation, using the form Order set out in Appendix A-10, and filing same with the court;
- c. If the parties cannot agree, they shall contact the Family Court Staff to schedule a telephonic conference for obtaining a Scheduling Order Regarding Discovery, Amendment of Pleadings, Experts and Mediation from the court, allowing sufficient lead time for entry of a Scheduling Order Regarding Discovery, Amendment of Pleadings, Experts and Mediation within the required 60 days, (FCRRP 2(6)(c));
- d. If the parties have not obtained entry of a Scheduling Order Regarding Discovery, Amendment of Pleadings, Experts and Mediation within the required 60 days, they shall comply with FCRPP 2(6).

5. Pretrial Conference

A Pretrial Conference may be scheduled no earlier than sixty (60) days following service upon the Respondent or entry of appearance by the Respondent, whichever occurs first. The Court reserves the right to schedule a Pretrial Conference *sua sponte*. Either party may at any time file a motion for a Pretrial Conference. The Pretrial Conference shall be held before the Court and counsel and the parties shall be in attendance.

- a. Each party shall file the following documents at least seven (7) days prior to the Pretrial Conference
 - (1) Any pertinent motions;
 - (2) Any stipulations and/or agreements reached;
 - (3) A list of any potential witnesses, exhibits, or documents.
 - b. Discovery shall be governed by the Rules of Civil Procedure.
6. Status Conference
- a. The Court may schedule a Status Conference at any time on any action pending before the Court.
 - b. Either party may request the Court to schedule a Status Conference. Any such request shall state with specificity why the Status Conference is being requested.
7. Pretrial Compliance
- a. At least thirty (30) days prior to trial, unless otherwise agreed by the parties or ordered by the Court, the Petitioner and the Respondent shall file a Pretrial Compliance, which addresses the following:
 - (1) A statement of the status of mediation;
 - (2) A concise statement of each general issue in dispute;
 - (3) Stipulated facts;
 - (4) Witnesses to be called;
 - (5) Exhibits to be introduced which shall be pre-marked for identification;
 - (6) List of marital property with values;
 - (7) List of non-marital property with reasons;
 - (8) List of marital debts with balances; and
 - (9) Proposed division of marital property and debts.
 - b. **If the Pretrial Compliance is not timely filed, unless by written agreement with opposing counsel placed in the Court file, the non-complying party, unless good cause is shown, shall be precluded on direct from calling any witness, other than the parties, and from introducing any documents. Exceptions may be granted by the Court on a case by case basis.**
8. Final Decree
- a. Pursuant to FCRPP 3(1), if the parties agree, a decree of dissolution may be obtained without a hearing by filing a motion or agreed order to submit for decree of dissolution of marriage.

- (1) The motion shall contain the following information and attachments:
 - (i) The date of marriage and separation;
 - (ii) The date the petition for dissolution was filed;
 - (iii) The date the respondent was served or filed an entry of appearance;
 - (iv) The dates the verified disclosures were filed unless otherwise waived by the court (if waived reference the date of the court's waiver order);
 - (v) If the parties have minor children of the marriage, and if ordered by the court, copies of certificates of completion of divorce education/parenting class by each party, unless previously filed (if so, indicate date of filing);
 - (vi) A copy of the separation agreement, unless previously filed (if so, indicate date of filing);
 - (vii) A written deposition executed under oath by either party setting forth testimony required at a hearing;
 - (vii) A written waiver of the right to a hearing executed by both parties and an affidavit stating that the parties have lived apart for sixty (60) days, and that no material change in circumstances has occurred since the taking of proof (this requirement may be included in the separation agreement);
 - (ix) A request for name restoration, if any, in writing;

- b. Motions for default judgment shall comply with FCRPP 3(2), RWCC 408 and CR 55.01.

9. Motion for Rule of Contempt

- a. Motions for Rule of Contempt shall sufficiently set forth the factual basis for the motion and shall be accompanied by an affidavit sufficiently setting forth the factual basis for the motion.
- b. The party filing the Motion for Rule of Contempt shall file with the motion a proposed Rule of Contempt (previously referred to as "Show Cause Order") which cites the applicable case law. See Appendix A-11. The hearing shall be scheduled for the "Motion Hour" docket, see Rule WFCR 202B.
- c. Motions for Rule of Contempt shall be captioned as "Motion for Rule of Contempt" and shall not be captioned as a Show Cause Motion, Motion for Show Cause and/or any other such designation.

10. Consolidation

Pursuant to CR 42.01, when two or more different actions are pending involving the same parties and common questions of law or fact, those cases may be consolidated, with the exception that District Court actions cannot be consolidated with Circuit Court actions.

11. Subpoenas for Medical Records and Psychiatric or Other Privileged Records

- a. Subpoenas for medical records shall be issued pursuant to KRS 422.300 et seq. and in accordance with CR 45 et seq.
- b. Subpoenas and accompanying orders for release of psychiatric and other privileged records shall only be issued by the Family Court upon motion by the requesting party with notice to all parties and an opportunity for objection. The Order will be signed if there is no objection within seven (7) calendar days.
- c. The medical, psychiatric or other privileged records shall be protected, preserved, destroyed or returned to the appropriate party, at counsel's discretion, when the action is final and no longer appealable.

704 Guardians ad Litem and Military Attorneys.

A. *Guardians ad Litem* and military attorneys shall be appointed from a panel of attorneys who have registered their willingness to accept appointments with the Warren Circuit Court Clerk's Office. See WFCR 604. Appointments shall be made in rotation according to the register, except in those cases where an emergency exists, a member of the panel previously represented the party, or special language or communication skills are known to be needed for adequate representation of a party.

1. Within sixty (60) days of the appointment, the *Guardian ad Litem* for incarcerated adult or military attorney shall either file an answer on behalf of the Respondent or a report stating that after careful examination of the case that the Respondent is unable to present a defense if applicable in that case.
2. Upon appointment, the Clerk of the Court shall provide the *Guardian ad Litem* or military attorney a copy of the most recently filed motion and a copy of the Petition, at no cost.
3. The Clerk of the Court shall provide the *Guardian ad Litem* or military attorney a copy of the complete Court file, at no cost, if the appointed attorney determines that he/she requires a copy of the entire file in order to

adequately discharge his/her duties. This copy shall be provided to the attorney upon the attorney's informal request.

B. Proceedings Involving Members of the Military

1. In any action or proceeding in which a Respondent does not make an appearance and may be in military service, appointments of military attorneys are made pursuant to the Service Members' Civil Relief Act, 50 App. U.S.C. §§ 501 et seq.
2. Before any judgment by default will be entered against any Respondent, the Petitioner must file with the court an affidavit stating whether or not the Respondent is in military service and showing necessary facts to support the affidavit. If the Petitioner is unable to determine whether or not the Respondent is in military service, the affidavit shall so state.
3. If it appears to the Court that a Respondent is in the military service, an attorney will be appointed to represent the Respondent. If, based upon the affidavit filed in an action, the Court is unable to determine whether the Respondent is in military service, the Court, before entering judgment, may require the Petitioner to file a bond pursuant to 50 App. U.S.C. § 521(b)(3).
4. Upon appointment, the Clerk of the Court shall provide the military attorney a copy of the most recently filed motion and a copy of the Petition, at no cost. If the military attorney determines that a copy of the complete Court file is necessary in order to adequately perform his/her duties, the Clerk of the Court shall provide a copy of the complete Court file at no cost.
5. Within sixty (60) days of the appointment, the military attorney shall either file an answer on behalf of the Respondent or a report stating that after careful examination of the case, the military attorney is unable to present a defense on behalf of the Respondent.
6. The duties of a military attorney include the filing of a motion for stay of proceedings where the conduct of the military Respondent's defense is materially affected by reason of the Respondent's military service. Motions and requests for a hearing for a stay of proceedings submitted by military attorneys shall be supported by an affidavit containing specific reasons why the military Respondent's service materially affects his ability to conduct his defense. The affidavit shall include:
 - a. present duty station and expected duration of present military assignment, if known;
 - b. residential address, if different from duty station address;

- c. accrued leave to which Respondent is entitled and number of days of leave which accrue to the Respondent each month; and
 - d. any other information of a similar nature which would affect the Respondent's ability to defend the action.
7. Any party who has income from any branch of the military shall provide documentation verifying their total pay, with each allowance specifically set forth, to the opposing party at least seven (7) days prior to any hearing.

705 Child Custody, Child Support, Parenting Arrangements and Maintenance.

A. Uniform Child Support Order

It shall be the responsibility of the moving party to draft, file and mail the appropriate Uniform Child Support Order form propounded by the AOC Form-152 for any child support order or modification.

B. Wage Assignment

Pursuant to KRS 403.215, any new or modified Order or decree which contains provisions for the support of a minor child or minor children shall provide for a wage assignment which shall begin immediately, except for good cause shown, and which shall be based upon the payment schedule of wages of the employer to whom the wage assignment is directed, and at a minimum, on a monthly basis.

C. Motions for Child Support

- 1. All motions for child support shall be accompanied by the appropriate Uniform Child Support Order. See AOC-152.
- 2. A KRS 403.160(2)(b) motion to establish temporary child support shall be accompanied with the appropriate affidavit, and tendered Order. See Appendix A-12. Any motion to establish temporary child support shall state with specificity "good cause" and shall not require a hearing, the adverse party may file a motion for a hearing pursuant to KRS 403.160(2)(b).
- 3. Subject to FCRPP 9, at any hearing at which child support is at issue, counsel for each party, shall, without formal request and as soon as practical, exchange all relevant and necessary information and documentation pertaining to his/her client's income, any health insurance expenses covering only the children, any maintenance payments, any prior born child support payments, and any work-related child care expenses. Appropriate income information shall include but not necessarily be limited to: (1) copies of individual and business, state and federal income tax returns with all schedules and attachments for the three previous

calendar years; (2) copies of their four most recent pay statements showing cumulative yearly income or, if self-employed, proof of year-to-date income and expenses; (3) documents pertaining to income from sources other than earnings, including cash sums from any source, e.g. workers' compensation, inheritance, disability, unemployment benefits, dividends, settlements, trusts, interest, gifts, retirement, severance pay, capital gains, maintenance, SSI etc.; (4) written documentation of the cost of medical insurance for the children only; (5) written documentation of the cost of work-related childcare; (6) proof of court ordered child support payments to prior born children (children not of this case); (7) copies of all bills/receipts and canceled checks evidencing payments made for uninsured medical expenses, if at issue; (8) proof of any maintenance payments paid by either party; and (9) any other documents the parties would expect to introduce at a hearing regarding these issues. In the event that this information is not forthcoming from a party and a subpoena is issued for compliance, then additional attorney's fees and court costs may be borne by the non-cooperating party, upon appropriate motion of the compliant party.

4. Each party shall furnish to the Family Court immediately prior to any child support hearing a completed worksheet for Monthly Child Support Obligations conforming to the proof the party intends to introduce. Counsel shall stipulate as much income information as possible. Counsel is encouraged to provide a joint worksheet if possible. Nothing herein shall preclude any party from presenting evidence as to the existence of an exception to the utilization of the statutory Guidelines.

D. Parenting Arrangements

Unless the Court otherwise orders, or the parties otherwise agree with the approval of the Court, the Guidelines for Co-parenting Time-sharing/Visitation propounded by the Court should be used as the base guideline for Co-parenting Time-sharing/Visitation. These guidelines shall not be used as a default schedule but may be used as the basis for establishing a schedule that is in the best interest of the children and family by the parties and the Court. A copy of the Guidelines for Co-parenting Time-sharing/Visitation is included in the Appendix A-13.

E. Motions for Maintenance

A motion for temporary maintenance shall comply with the requirements of FCRPP 5(1) and 5(2). Any motion for temporary maintenance, or when permanent maintenance is an issue, shall be in strict compliance with KRS 403.160, or KRS 403.150(2)(e) & (f), including the appropriate affidavit or verified petition setting forth the amount requested.

1. At any hearing at which maintenance is at issue, counsel for each party shall without formal request and as soon as practical, exchange all relevant and necessary information and documentation pertaining to his or her client's income and living expenses. Appropriate income information shall include, but not necessarily be limited to: (1) copies of their individual and business, state and federal income tax returns with all schedules and attachments for the three previous calendar years; (2) copies of their four most recent pay statements showing cumulative yearly income or, if self-employed, proof of year-to-date income and expenses; and (3) documents pertaining to gross income from sources other than earnings, including case sums from any source, e.g. workers compensation, inheritance, disability, unemployment benefits, dividends, settlements, trusts, interest, gifts, retirement, severance pay, capital gains, maintenance, SSI etc.; (4) documentation evidencing net income from sources other than earnings including cash sums from any source, e.g. workers compensation, inheritance, disability, unemployment benefits, dividends, settlements, trusts, interest, gifts, retirement, severance pay, capital gains, maintenance, SSI etc.; (5) a list of monthly living expenses; (6) Verified Disclosure Statement, if not already filed with the Court; and (7) any other documents the parties would expect to introduce at a hearing regarding these issues.
2. It is the Court's position that a hearing is not the place for discovery. Therefore, in the event that this information is not forthcoming from a party and a subpoena is issued for compliance, then additional attorney's fees and Court costs may be borne by the non-cooperating party, upon appropriate motion of the compliant party.
3. Motions to Modify Maintenance

See FCRPP 5(3).
4. Post-Decree Matters Regarding Maintenance

See FCRPP 5(4).

706 Mediation Procedure.

A. Mandates for Mediation

After traditional, informal negotiations have failed, all parties to any proceeding (including post-decree) containing disputed issues regarding custody, support, visitation, property, debt, and/or maintenance, except as provided under KRS 403.036, and any other such issues to which the parties agree, may be directed to participate in mediation unless waived by court order upon a showing of good cause. By agreement, the parties and their respective counsel may at any time

refer these issues for mediation by a Court approved or certified mediator, or another mediator of their choosing who must have the same qualifications or equivalent experience of a court approved or certified mediator. If the parties select a mediator that is not court approved or certified, then the parties shall provide verification of the qualifications of the mediator to the Mediation Review Committee designated in WFCR 707B for approval. Copies of all orders shall be mailed by the Clerk's Office to the attorneys of record or parties, if unrepresented, and to the mediator. A list of Court approved local mediators may be obtained from the Family Court Staff. For a list of AOC certified mediators see: <http://apps.kycourts.net/ContactList/Addresslist.aspx?Cat=MED>.

B. Preparation Required for Property Mediation

1. Counsel for each party or a party, if unrepresented by counsel, shall file, no less than five (5) days prior to the mediation conference, an updated financial disclosure statement, a copy of which shall be provided to the mediator.
2. Counsel for each party or a party, if unrepresented by counsel, shall no less than five (5) days prior to the mediation conferences, provide the mediator with the following documents:
 - (a) A short statement, including definition of the issues to be addressed by the mediator and a brief narrative statement of any special problems affecting the case (e.g. closely held corporation, medical problems of any family member, etc.)
 - (b) All information and copies of all documents requested by the mediator prior to the mediation conference.

707. Qualifications of Court Approved Mediators

A. A court approved mediator shall:

1. Complete a minimum of forty (40) hours in a family mediation training program approved by the Mediation Review Committee and the Warren Family Court;
2. Have a college degree, prior basic education and training in the Behavioral Sciences or be an attorney licensed to practice in the Commonwealth of Kentucky; or equivalent experience.
3. Have such experience as set forth by the Mediation Review Committee, a standing committee of the Family Court.

B. Mediation Review Committee

The Chair of the Mediation Review Committee shall be selected by the Warren Family Court Judges. The Chair shall select additional members if determined to be necessary. The mediation review committee shall review the qualifications of applicants, ensure compliance with the rules of ethics and make recommendations regarding the applicants to the Court.

C. Duties of the Mediator

1. All mediators shall define and describe the process of mediation and its costs during an orientation session with the parties consistent with the policy contained in Appendix A-14.
2. The mediator shall be impartial and shall advise all parties of any circumstances bearing on probable bias, prejudice or impartiality, including any past or present relationships with either party or persons related to them.
3. The mediator shall notify the parties, after the initial mediation session, that mediation will only continue thereafter by mutual agreement of both parties, their respective counsel, and the mediator. Either party or their respective counsel, as well as the mediator, may request at any time, without prejudice, that mediation cease. This shall be reported to the Court.
4. The mediator shall not communicate ex parte with the Court, either directly or indirectly, regarding any case, the parties thereto, or their respective counsel.
5. At the conclusion of mediation, the mediator shall immediately file a report, without comment, to the Court as to the outcome of the mediation (i.e., a full, partial or no agreement). An Order or Judgment adopting the Mediation Settlement Agreement shall be tendered by petitioner's counsel. See AOC-MED-ACR-8, AOC-MED-ACR-9, AOC-MED-ACR-11.

D. Adjournment

The mediator may suspend or terminate mediation whenever, in the opinion of the mediator, the matter is not appropriate for further mediation, or at the request of either party. This shall be reported to the Court.

E. Failure to Appear for Mediation

If either party should fail to appear without reasonable notice and good cause for any mediation session, or fail to participate in good faith, at the conclusion of

the case, the Court may, upon motion, award attorney's fees and costs or impose any other appropriate sanction, including contempt.

F. Counsel

The parties shall attend mediation and shall appear promptly at the time and location for the scheduled mediation. The attorneys for each party may attend and participate, subject to the defined role of the mediator, and shall at all times be permitted to privately communicate with their respective clients. If a party has retained counsel prior to mediation, but the party chooses to enter into a mediation without the services of counsel, then the party shall sign and execute a written waiver of counsel prior to entering into any mediation sessions without counsel, while also providing notice to said counsel prior to the mediation sessions.

G. Compensation of Mediator

The mediator shall be compensated at the rate agreed upon by the mediator and the parties if the mediator is chosen by agreement. If the mediator is appointed by the Court, the fee for the mediation shall be reasonable and no greater than the mediator's standard rate. Unless otherwise varied by agreement of the parties, or by order of the Court, each party shall pay a proportionate share of the charges of the mediator.

H. Completion of Mediation

1. In cases where agreement or partial agreement is reached as to any matter or issue, including legal or factual issues to be determined by the Court, the attorneys and/or parties unrepresented by counsel shall prepare a typed draft of the agreement within five (5) business days following the mediation conference and shall forward same to the opposing attorney or party unrepresented by counsel for review. A final typed draft of the agreement shall be completed, signed by all parties and their respective attorneys, and filed with the Court, within ten (10) business days unless an extension of time is granted by the Court.
2. The Court shall retain final authority to accept, modify, or reject an agreement.

I. Confidentiality

1. Mediation proceedings shall be held in private and all communications, verbal or written, shall be confidential.
2. Conduct or statements by any party or mediator at any mediation session are not admissible for any purpose, except that either party may introduce any written agreement developed in mediation which is signed by all parties and their counsel.

3. All conduct and communications made during a mediation conference shall be treated as settlement negotiations and shall be governed by KRE 408.
4. Mediators shall not be subpoenaed regarding the disclosure of any matter discussed during the mediation.

RULE 8 STATUS OFFENSES

801 Scope and Applicability.

FCRPP 37 through 44 shall govern status offense actions as defined by the Kentucky Unified Juvenile Code set forth in KRS Chapters 600 to 645.

RULE 9 MISCELLANEOUS

901 Identification of Counsel or Party Required.

Every pleading, motion and any other paper filed in the record by counsel or party shall contain the case number, typed or printed name, address, telephone number and e-mail address of the attorney or party signing the paper.

902 Notice of Submission.

In accordance with SCR 1.050(8), when any action stands submitted for adjudication, counsel or unrepresented parties shall file an AOC Form 280 with the Judge, Warren Circuit Clerk and Administrative Office of the Courts.

903 Video Copies of In-Chamber Interviews with Children.

Pursuant to FCRPP 17, the Warren Circuit Clerk's video office shall not release any Warren Circuit Family Court video in-chamber interview with a child without a specific written order of a Family Court Judge. An individual requesting a judicial order must file a motion for the request which specifically indicates the portion of the video record being requested is an in-chamber interview with a child and specific purpose for the request.

904 Requests for Confidential Video Records.

The Warren Circuit Clerk's video office shall not release any copies of Warren Circuit Court confidential video records, without a specific written order from the presiding Family Court Judge. An individual requesting a judicial order must file a written motion, with notice to all parties, including the child's Guardian ad Litem, if any, and set forth the purpose of the request.

Except that, pursuant to KRS 610.340(2), this shall not apply to public offenders or employees engaged in the investigation and prosecution of cases under KRS Chapters 600 through 645 or other prosecutions authorized by the Kentucky Revised Statutes, as


certified by that public officer or employee. Said public officer or employee shall use and distribute this information only for investigation or prosecution of offenses under the Kentucky Revised Statutes.

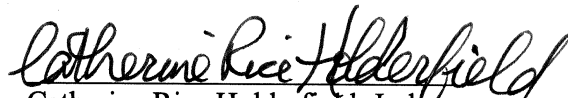
905 Electronic Distribution of Documents.

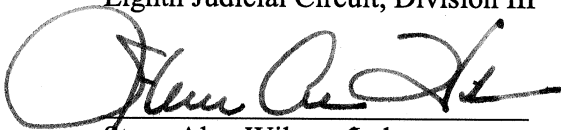
To facilitate more efficient processing, the parties may electronically transmit court documents or reports relating to actions from the Dependency, Neglect and Abuse docket and the Status docket, to the Cabinet for Health and Family Services, and to attorneys who have agreed to electronic receipt of such Court documents and reports, on an as needed basis, to facilitate more efficient processing. Such transmission shall be documented by the deputy clerk including the specific e-mail address.

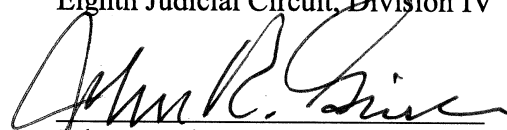
These rules are to become effective upon certification and approval of the Chief Justice of the Kentucky Supreme Court of the Commonwealth of Kentucky.

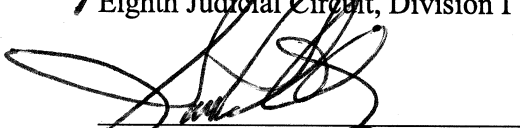
This the ⁹²30 day of March, 2012.

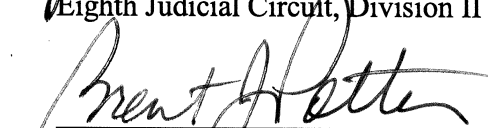

Margaret Ryan Huddleston, Judge
Eighth Judicial Circuit, Division III



Catherine Rice Holderfield, Judge
Eighth Judicial Circuit, Division IV


Steve Alan Wilson, Judge
Eighth Judicial Circuit, Division I


John R. Grise, Judge
Eighth Judicial Circuit, Division II


Sam Potter, Jr., Judge
Eighth Judicial District, Division I


Brent J. Potter, Judge
Eighth Judicial District, Division II


John B. Brown, Judge
Eighth Judicial District, Division III

WARREN CIRCUIT COURT, DIVISION ____

ADOPTION CHECKLIST

Case No.: _____

Date: _____

Case Style: _____

Attorney (s) _____
Attorney (s) _____
Attorney (s) _____

vs.

Attorney (s) _____
Attorney (s) _____
Attorney (s) _____

Yes

No

(Please check one)

☐

☐

Is the party petitioning for adoption 18 years old?
KRS 199.470(1)

☐

☐

Has the party petitioning for adoption resided in Kentucky for twelve (12) months prior to the filing of the petition?
KRS 199.470 (1)

☐

☐

Is the child to be adopted named as a defendant?
KRS 199.480 (1) (a)

☐

☐

Is the petitioner married?
If yes, the spouse of the petitioner must be joined unless the Court finds doing so will deny the child a suitable home
KRS 199.470(2)

☐

☐

Is petitioner's husband or wife the biological parent?
If yes, then the biological parent shall be named as a party defendant
KRS 199.480 (1) (b)

☐

☐

Is the petitioner a relative of the child as defined by KRS 199.470(4) such that approval by the Cabinet for Health and Family Services, a licensed agency or the Secretary for the Cabinet for Health and Family Services is not required? KRS 199.470(4)(a-b)

- ☐ ☐ Did the petitioning party comply with KRS 199.473?
- ☐ ☐ Are all necessary parties joined as defendants?
KRS 199.480(1)
- ☐ ☐ Have all the parties been properly served?
KRS 199.480(2)
- ☐ ☐ Is this a stepparent adoption? KRS 199.470 If yes, NO approval from CHFS required. (GAL is not required either).
- ☐ ☐ Has an investigation been completed by the Cabinet for Families and Children as required by KRS 199.510(1)(a-c)?
If yes, a final hearing may be scheduled if the report by the Guardian ad litem, if any, has been filed.
KRS 199.515
- ☐ ☐ Has a guardian ad litem been appointed for the child?
☐ Yes ☐ No If yes, has the guardian ad litem filed their report as required?
KRS 199.515
☐ Yes ☐ No If no, does the exception apply?
KRS 199.480(3)
- ☐ ☐ Has the child been placed for adoption with approval by one of the three agencies listed below?
KRS 199.470(4)
☐ Yes ☐ No The Cabinet for Health and Family Services?
☐ Yes ☐ No An agency licensed by the Cabinet for Families and Children?
☐ Yes ☐ No With written approval of the Secretary of the Cabinet for Families and Children?
Note – Placement by one of the above agencies does not alleviate the need of a report, as required by KRS 199.510, from the Cabinet or a designee chosen by the Cabinet or the Court.
- ☐ ☐ If the child has not been placed for adoption by one of the three ways listed above has the child resided continuously in the home of the petitioner for at least 90 days immediately prior to the filing of the petition?
KRS 199.470(3)
- ☐ ☐ Does any exception to the placement rule apply?
KRS 199.470(4)(a-b)

- ☐ ☐ Does the petition contain all the necessary information?
KRS 199.490
- ☐ ☐ Has a notarized consent form been filed? KRS 199.500
☐ Yes ☐ No Does it comply with KRS 199.011(14)?
- ☐ ☐ If notarized consent has not been filed, do any of the exceptions to consent
apply?
KRS 199.500(1)(a-d) or KRS 199.502
- ☐ ☐ Does this Court have proper jurisdiction over this adoption?
- ☐ ☐ Is Warren County the proper venue?
- ☐ ☐ Have parental rights been previously terminated?
☐ Yes ☐ No If yes, have certified copies of the termination order
been filed as required?
KRS 199.490(2)
- ☐ ☐ Has the petitioner tendered a proposed Findings of Fact, Conclusions of Law
and a separate Judgment of Adoption?

**RESPONSIBILITY OF APPOINTED *GUARDIAN AD LITEM* IN TERMINATION
PROCEEDINGS**

Any attorney appointed as *Guardian ad Litem* in either a voluntary termination, an involuntary termination, or an adoption case must be prepared to be available on short notice. Cases of these nature are, by statute, entitled to expedited hearings and it is extremely important that *Guardian ad Litem*s carry out their functions promptly and efficiently.

VOLUNTARY TERMINATION

For an underage birth parent:

- Review the pleadings in the case and the applicable statutes to make sure that the case is “in order” for the termination hearing.

- Meet with or speak by phone with the birth parent and/or next friend prior to the day of the hearing.

For an infant:

- Review the pleadings in the case and the applicable statutes to make sure that the case is “in order” for the termination hearing.

- A brief meeting with the birth parent(s) prior to court on the day of the hearing is recommended.

INVOLUNTARY TERMINATION

For an underage birth parent:

- Review the pleadings in the case and the applicable statutes to make sure that the case is “in order” for the termination hearing.

- Meet with or speak by phone with the birth parent prior to the day of the hearing.

For an infant:

- Review the pleadings in the case and the applicable statutes to make sure that the case is “in order” for the termination hearing.

WARREN CIRCUIT COURT, DIVISION ____

INVOLUNTARY TERMINATION OF PARENTAL RIGHTS CHECKLIST

Case No.: _____

Date: _____

Case Style: _____

Pet. Attorney: _____

vs.

Resp. Attorney: _____

Attorney: _____

CONCERNING THE PETITIONER AND RELATED MATTERS:

- | | | |
|--------------------------|--------------------------|---|
| Yes | No | (Please check one) |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the petition contain the verification and all required information?
(KRS 625.050(1) + (4)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the petition filed by a proper party? (KRS 625.050 (3)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the petition filed five (5) days or more after the child's birth?
(KRS 625.050 (5)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Are all required parties joined in the action? (KRS 625.060) |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the putative father correctly joined as a party? (KRS 625.065 (1)) |
| <input type="checkbox"/> | <input type="checkbox"/> | Have all the parties been properly served? (KRS 625.070) |
| <input type="checkbox"/> | <input type="checkbox"/> | Does this Court have proper jurisdiction over the matter?
KRS 625.020 + 625.050(2) |

TECHNICAL MATTERS CONCERNING THE HEARING:

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Have all the requirements for the hearing been met pursuant to KRS 625.080?
(i.e., <i>Guardian Ad Litem</i> , appointed attorney for an indigent party,
efficiency stenographer, sealing of records, etc.) |
|--------------------------|--------------------------|--|

WARREN CIRCUIT COURT, DIVISION ____

VOLUNTARY TERMINATION OF PARENTAL RIGHTS CHECKLIST

Case No.: _____

Date: _____

Case Style: _____

Attorney (s) _____
 Attorney (s) _____
 Attorney (s) _____

vs.

Attorney (s) _____
 Attorney (s) _____
 Attorney (s) _____

- | | | |
|--------------------------|--------------------------|---|
| Yes | No | (Please check one) |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the petition styled In the interest of _____, a child?
KRS 625.040(1) |
| <input type="checkbox"/> | <input type="checkbox"/> | Does the petition contain all the required information?
KRS 625.040(2) |
| <input type="checkbox"/> | <input type="checkbox"/> | Was the petition filed 72 hours or more after the child's birth?
KRS 625.040(3) |
| <input type="checkbox"/> | <input type="checkbox"/> | Is the parent desiring termination indigent? |
| <input type="checkbox"/> | <input type="checkbox"/> | Is yes, was an attorney appointed within 48 hours of court's
determination? KRS 625.0405(1) |
| <input type="checkbox"/> | <input type="checkbox"/> | Did the adoptive parents pay any expenses for the biological parents? |
| <input type="checkbox"/> | <input type="checkbox"/> | If yes, were the expenses submitted to the Court, supported by an
affidavit, setting forth in detail a listing of the expenses for the
Court's approval or modification?
KRS 625.0405(2) |
| <input type="checkbox"/> | <input type="checkbox"/> | Do the adoptive parents and the biological parents have different
representation?
KRS 625.0407 |

- ☐ ☐ Has a *guardian ad litem* been appointed for the child?
KRS 625.041
- ☐ ☐ Was a hearing set by the judge within 3 days of receiving the petition?
KRS 625.042(1)
- ☐ ☐ Were all other requirements of KRS 625.042 met?

**TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION
DOMESTIC VIOLENCE PROTOCOL
8th JUDICIAL CIRCUIT AND DISTRICT
WARREN COUNTY**

Pursuant to KRS 403.735, and in compliance with Family Court Rules of Procedure and Practice (FCRPP) Section IV, this local domestic violence protocol is established to ensure twenty-four hour accessibility to emergency protective orders and to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the circuit/family and district courts.

I. Uniform Protocol for Processing Cases

- A. Circuit court clerks shall process domestic violence cases in accordance with the procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- C. Domestic violence actions may be reassigned from the district court division to circuit/family court when there is a dissolution/custody proceeding pending. Warren Circuit Court Clerks shall not assign any domestic violence action to the District Court.
- D. No jurisdiction shall adopt a blanket "no-drop" policy. Domestic violence cases are civil matters within the purview of CR 41.01.
- E. Domestic violence cases shall be reassigned or transferred to another circuit under the following circumstances:

At the discretion of the assigned Family Court Judge, a domestic violence action may be reassigned or venue transferred as follows:

- 1. If neither party resides in Warren County, an order transferring venue may be entered;
- 2. If a dissolution of marriage action is pending in another circuit and the the Petitioner agrees that the domestic violence action be transferred, an order transferring venue may be entered. If the Petitioner resides in Warren County and does not agree to transfer, the action may continue in Warren Circuit Court, Cottrell v. Cottrell, 114 S.W.3d 257 (Ky. App. 2002);
- 3. If a custody action is pending in another circuit, the custody issue may be segregated from the domestic violence action and transferred to another circuit or the assigned Judge may transfer the entire domestic violence action if the petitioner agrees; and
- 4. If a dissolution of marriage action, child custody action or juvenile action

is pending in another Warren Circuit Court division, an order transferring to the other division shall be entered to maintain the “one judge-one court” policy of the Warren Family Court.

Consistent with FCRPP 12, when the local domestic violence protocol requires that a case be transferred to another circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating court, pursuant to KRS 403.740(4), for a period not to exceed fourteen days if service has not been made on the adverse party by the date of transfer, or as the court determines is necessary for the protection of the petitioner. Thereafter, reissuance of the summons shall occur as needed in the court of transfer. If the emergency protective order (EPO) has been served upon the Respondent, a reissuance of the emergency protective (EPO) shall be served upon both parties along with a summons giving notice of the hearing date (not to exceed fourteen days) in the court of transfer.

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to the Petitioner **during** regular business hours:

A verified petition for an Emergency Protective Order (EPO) may be filed at the Domestic Violence Clerk’s Office during working hours (8:00 a.m. – 4:00 p.m.). Any person may call either law enforcement or 911 for immediate emergency assistance. Language interpretation will be provided at the Warren Circuit Court Clerk’s Office.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to the Petitioner **after** regular business hours and weekends:

Bowling Green Police Department	270-393-2473
911 Kentucky Street	
Bowling Green, KY 42101	

Warren County Sheriff’s Office	270-842-1633
429 East Tenth Street, Suite 102	
Bowling Green, KY 42102	

Kentucky State Police Post	270-782-2010
3119 Nashville Road	
Bowling Green, KY 42102	

Western Kentucky Police Department	270-745-2548
1906 College Heights Boulevard #11050	
Bowling Green, KY 42101	

A verified petition for an emergency protective order (EPO) may be filed at any law enforcement office, including the Bowling Green Police Department, Warren County Sheriff's Office, or the Kentucky State Police Post. If petitioner is a student at or a person on the campus of Western Kentucky University (WKU), the verified petition may be completed at the WKU Police Department. Any person may call law enforcement or 911 for immediate emergency assistance. Language interpretation will be provided at the law enforcement agencies or the Warren Circuit Court Clerk's Office.

C. Upon receipt of a petition **during** regular business hours:

The authorized agency/officer shall present the petition to the assigned Family Court Judge. If the assigned Judge is not available, then the clerk shall present the petition to an available Family Court Judge. If neither Family Court Judge is available, then the clerk shall present the petition to an available District or general jurisdiction Circuit Judge.

D. Upon receipt of a petition **after** regular business hours:

The authorized agency/officer shall present the petition to the on-call Family Court Judge. Law enforcement will be given the on-call Family Court Judges' schedule at the beginning of the year with amendments as schedule changes occur. From time to time, another Judge may cover for the on-call Family Court Judge. The name of the covering Judge will be provided to law enforcement. Upon completion of the petition, the officer shall immediately telephone the Judge for his or her location and then present the petition to the on-call Family Court Judge or other covering Judge to review the domestic violence petition. Upon review the Judge shall issue the emergency protective order (EPO) and summons if warranted or take other necessary action. If the emergency protective order (EPO) and/or the summons are issued, the law enforcement officer/agency shall make every reasonable effort to immediately perfect personal service upon the Respondent. Telephone notification shall not be given to the Respondent prior to the service of the actual EPO. The law enforcement officer shall give information to the Petitioner regarding the Barren River Area Safe Space (BRASS) regardless of whether the emergency protective order (EPO) or summons has been issued.

E. Petitions will be reviewed within an hour of presentation to a Judge unless it is impossible due to the unavailability of a Judge.

F. The schedule for domestic violence hearings is as follows:

1. **WARREN CIRCUIT, DIVISION III - Monday: 9:00 a.m.**
2. **WARREN CIRCUIT, DIVISION IV - Monday: 1:00 p.m.**

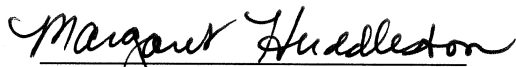
III. Contempt Proceedings

- A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B. Petitioners seeking to initiate contempt proceedings should contact:
Warren Circuit Court Clerk's Office
1001 Center Street
Bowling Green, KY 42101
- C. No petitioner may be held in contempt for failing to appear at a domestic violence hearing or to prosecute a criminal violation of a protective order.

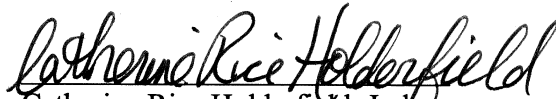
All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all Judges in the 8th Circuit/District:

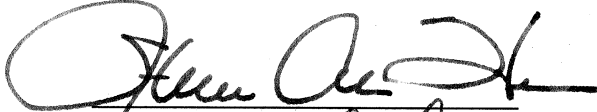
This the 30th day of March, 2012



Margaret Ryan Huddleston, Judge
Eighth Judicial Circuit, Division III



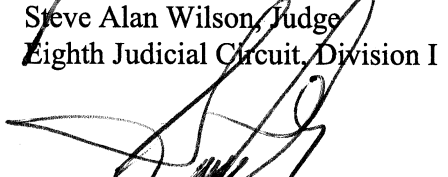
Catherine Rice Holderfield, Judge
Eighth Judicial Circuit, Division IV

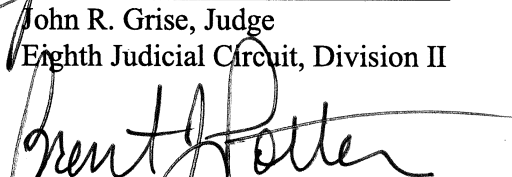



Steve Alan Wilson, Judge
Eighth Judicial Circuit, Division I



John R. Grise, Judge
Eighth Judicial Circuit, Division II


Sam Potter, Jr., Judge
Eighth Judicial District, Division I


Brent J. Potter, Judge
Eighth Judicial District, Division II


John B. Brown, Judge
Eighth Judicial District, Division III

Responsibilities of a *Guardian ad Litem*

In October 1999, the Commission on Guardians ad Litem recommended the following as the responsibilities of a *guardian ad litem*:

- * A GAL should determine the facts of the case by interviewing the child, Cabinet for Families and Children family services worker, family members, therapist and others as necessary, and by reviewing reports and other information. When interviewing a child is impractical (due to age or other circumstances), inspection of the home or place of care and/or an interview with the foster parent or caretaker is an adequate substitute. If these events do not occur, perhaps due to hostility toward the GAL or other safety concerns, the GAL should document the reason the action did not occur.
- * A GAL should meet with and observe the child, assess the child's needs and wishes with regard to the representation and issues in the case, and explain the proceedings to the child according to the child's ability to understand.
- * A GAL should appear at all hearings concerning the child.
- * A GAL should make recommendations for specific and clear orders for evaluation, services, and treatment for the child and the child's family.
- * A GAL should file all necessary pleadings and papers, and maintain a complete file with notes rather than relying upon court files.
- * During the term of the appointment, a GAL should monitor the implementation of court orders and determine whether service(s) ordered by the court for the child or the child's family are being provided in a timely manner and are accomplishing their purpose. If a GAL believes services are not being provided in a timely manner, or if he/she believes the family has failed to take advantage of these services, or if the GAL believes the services are not accomplishing their purpose, he/she should file a motion for appropriate relief. The GAL should assess whether the Cabinet for Families and Children is making reasonable efforts as defined in state and federal law and should challenge the adequacy of those efforts when appropriate.
- * Representation by the GAL continues so long as the appointing authority retains jurisdiction over the child.
- * Consistent with the Rules of Professional Responsibility, a GAL should identify common interests among the parties and, to the extent possible, promote a cooperative resolution of the matter.
- * A GAL should consult, as necessary and consistent with existing rules of confidentiality, with other persons knowledgeable about the child and the child's family to identify the child's interests, current and future placements that would be best for the child, and necessary services for the child.
- * A GAL should submit, as ordered, an oral or written report to the court.
- * A GAL should advocate the child's best interests, but advise the court when the child disagrees with the attorney's assessment of the case.

**COMMONWEALTH OF KENTUCKY
8th JUDICIAL CIRCUIT
WARREN CIRCUIT COURT
FAMILY COURT**

**GUARDIAN AD LITEM/COURT APPOINTED COUNSEL
ROSTER APPLICATION**

Please complete the following application and submit this along with relevant documentation to the Warren Circuit Family Court Administrator.

Name: _____

Business Address: _____

City: _____ State: _____ Zip Code: _____

Business Telephone: _____ Fax: _____

Email: _____

I. EDUCATION, TRAINING AND EXPERIENCE

GENERAL EDUCATIONAL BACKGROUND

Degree	Institution	Location	Date

KENTUCKY BAR INFORMATION

KBA ID Number: _____

GUARDIAN AD LITEM TRAINING*

Date	Program	Sponsor	Hours

OTHER TRAINING RELEVANT TO FAMILY LAW*

Date	Program	Sponsor	Hours

Do you have any prior KBA Ethics violations or sanctions? YES or NO.

If yes, please explain:

Do you have any scheduling conflicts with either Family Court juvenile docket? YES or NO.

If yes, please explain:

Are you willing to be appointed in juvenile, circuit, and adoption/termination of parental rights cases? YES or NO.

(Attorneys must be willing to serve in any or all jurisdictions of the Family Court).

II. REFERENCES

Please list two persons, not related to you, who are familiar with the skills you have that will make you a successful *guardian ad litem*/court-appointed counsel.

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Fax: _____

III. BACKGROUND REVIEW AND PROFESSIONAL ETHICS

Have you been convicted of any crime or violation other than a traffic infraction?

☐ Yes ☐ No

Have you been removed, suspended, reprimanded or subject to any other discipline by a licensing board, professional organization, or governmental tribunal?

☐ Yes ☐ No

Have you ever been a party, other than acting as *guardian ad litem*/court-appointed counsel or private counsel, to a child protective case brought pursuant to KRS Chapter 625, or to a similar case in any other jurisdiction?

☐ Yes ☐ No

Have you ever been a party, other than acting as *guardian ad litem*/court-appointed counsel or private counsel, to a domestic violence action brought pursuant to KRS Chapter 403, or to a similar case in any other jurisdiction?

☐ Yes ☐ No

(If your answer is yes to any of the four previous questions, please provide full details on a separate sheet, including any information you believe may be helpful to the *Guardian ad Litem*/Court-Appointed Counsel Committee in evaluating your application.)

Are you a member of any family law professional organization? If yes, please specify:

IV. AFFIRMATIONS, CONDITIONS OF APPLICATION, AND RELEASE

I understand that any misrepresentation in my application may constitute a basis for the rejection of my application or removal of my name from the *Guardian ad Litem*/Court-Appointed Counsel Roster.

I hereby affirm that the information provided by me in this application form is accurate and complete under penalty of law.

* Please attach relevant documentation.

Signature

Date

COMMONWEALTH OF KENTUCKY
8TH JUDICIAL CIRCUIT
WARREN CIRCUIT COURT - DIVISION ____
FAMILY COURT
_____, JUDGE
CIVIL ACTION NO. _____

IN RE THE MARRIAGE OF:

PETITIONER

ORDER SEALING UNREDACTED PURSUANT TO WFCR 703A
(Identify Sealed Document)

VS.

RESPONDENT

ITEMS IN THIS SEALED ENVELOPE SHALL BE SUPPLIED ONLY TO A PARTY TO THE CASE, AN ATTORNEY OF RECORD IN THE CASE, A JUDGE OF THE COURT OR OTHER AUTHORIZED COURT PERSONNEL, A DULY AUTHORIZED EMPLOYEE OR AGENT OF THE CABINET FOR HEALTH AND FAMILY SERVICES INVOLVED IN MATTERS ATTENDANT TO THE CASE, OR A PERSON AUTHORIZED TO DULY COPY BY SPECIFIC ORDER OF THE COURT. VIOLATIONS ARE PUNISHABLE BY CONTEMPT SANCTIONS.

This the _____ day of _____, 2011

_____, JUDGE
WARREN CIRCUIT COURT, DIVISION__

COMMONWEALTH OF KENTUCKY
8TH JUDICIAL CIRCUIT
WARREN CIRCUIT COURT - DIVISION ____
FAMILY COURT
_____, JUDGE
CIVIL ACTION NO. _____

IN RE: THE MARRIAGE OF

PETITIONER

v.

RESPONDENT

PRELIMINARY OR FINAL VERIFIED DISCLOSURE
STATEMENT ACKNOWLEDGMENT

(Attorney to designate Preliminary or Final)

****This form to be used only in response to AOC-238 or AOC-239****

All sections must be completed. If an amount is unknown, write unknown, if the question is inapplicable, write n/a. If a question requires further documentation or an additional schedule, please attach.

I, _____, declare under oath that my personal information is:

Name: _____

Address: _____

Place of Birth: _____

Date/Place of Marriage: _____

Date of Separation: _____

Spouse's Name: _____

My occupation is: _____

I am currently employed at: _____

I earn _____ per _____ and work _____ hours

I am paid _____ (weekly, bi-weekly, monthly, etc...)

My year to date earnings are _____ (attach pay stubs)

*****My monthly gross from my employment is _____.

I hereby acknowledge that the information contained in _____'s Mandatory Case Disclosure is a true and accurate reflection of the financial disputes in this matter and that there are no additional assets, debts or issue which require disclosure, to the best of my knowledge.

If maintenance is an issue or there are property distribution issues, please proceed to use the full Mandatory Disclosure Form.

LAY WITNESSES

Name the lay witnesses (non-experts) you expect to call at trial and the issues you expect them to testify about (i.e. friends, family members, etc...):

EXPERT WITNESS

Name the expert witnesses (doctors, accountants, etc...) you expect to testify for you at trial and the issue you expect them to address:

LENGTH OF TRIAL

How many days do you expect this case to take? _____ hours _____ days

OTHER LEGAL ACTIONS

Please give the style of the case, the case number, name of the Court or administrative agency for any case you are a party to or have been a party to within the last year, as well as a brief description of the nature of the case and the present status:

REQUIRED ATTACHMENTS

I have attached:

1. My three most recent pay stubs from each employer
2. A full and complete copy of my last Federal Tax Return
3. First page of my State Tax Return

I hereby certify that the information I have provided in this document is true to the best of my knowledge, information and belief.

PETITIONER/RESPONDENT

STATE OF KENTUCKY

COUNTY OF WARREN

Subscribed and sworn to before me by _____ on this the
_____ day of _____, 20____.

My commission expires: _____

NOTARY PUBLIC
KENTUCKY, STATE AT LARGE

CERTIFICATE

IT IS HEREBY CERTIFIED that a copy of the foregoing Preliminary or Final Verified Disclosure Statement Acknowledgement (with attachments) was mailed on this the _____ day of _____, 20____.

Counsel for _____

A-10
COMMONWEALTH OF KENTUCKY
8TH JUDICIAL CIRCUIT
WARREN CIRCUIT COURT - DIVISION ____
FAMILY COURT
_____, JUDGE
CIVIL ACTION NO. _____

IN RE THE MARRIAGE OF:

PETITIONER

SCHEDULING ORDER REGARDING DISCOVERY, AMENDMENT OF PLEADINGS, EXPERTS
AND MEDIATION

VS.

RESPONDENT

1. Motions to amend the pleadings shall be filed no later than _____.
2. Petitioner shall identify experts in compliance with CR 26 by _____.
3. Respondent shall identify experts in compliance with CR 26 by _____.
4. Petitioner shall identify any rebuttal experts in compliance with CR 26 by _____.
5. All discovery, including discovery of experts by deposition, shall be completed by _____.
6. The parties shall submit to mediation in an effort to resolve all permanent issues on or before _____.
7. If mediation is unsuccessful, the parties shall, within 10 days of failed mediation, move the Court to set this matter for pre-trial and trial.

This the _____ day of _____, 20____

_____, JUDGE
WARREN CIRCUIT COURT, DIVISION__

HAVE SEEN AND AGREE:

Counsel for Petitioner

Counsel for Respondent

CLERK, PLEASE SEND COPIES TO:
Counsel for Petitioner
Counsel for Respondent

Assuming a service of petition date of July 15, 2011, I would typically propose the following schedule. Of course, some cases are much more complex than others. I think most attorneys will be able to set a schedule which fits the facts of their case. And the order can be modified as well, with Court approval.

IN RE THE MARRIAGE OF:

PETITIONER

**SCHEDULING ORDER REGARDING DISCOVERY, AMENDMENT OF PLEADINGS, EXPERTS
AND MEDIATION**

VS.

RESPONDENT

1. Motions to amend the pleadings shall be filed no later than October 15, 2011.
2. Petitioner shall identify experts in compliance with CR 26 by December 15, 2011.
3. Respondent shall identify experts in compliance with CR 26 by January 15, 2012.
4. Petitioner shall identify any rebuttal experts in compliance with CR 26 by February 1, 2012.
5. All discovery, including discovery of experts by deposition, shall be completed by March 1, 2012.
6. The parties shall submit to mediation in an effort to resolve all permanent issues on or before April 15, 2012.
7. If mediation is unsuccessful, the parties shall, within 10 days of failed mediation, move the Court to set this matter for pre-trial and trial.

This the _____ day of _____, 20____

_____, JUDGE
WARREN CIRCUIT COURT, DIVISION__

HAVE SEEN AND AGREE:

Counsel for Petitioner

Counsel for Respondent

CLERK, PLEASE SEND COPIES TO:
Counsel for Petitioner
Counsel for Respondent

A-11
COMMONWEALTH OF KENTUCKY
8TH JUDICIAL CIRCUIT
WARREN CIRCUIT COURT - DIVISION ____
FAMILY COURT
_____, JUDGE
CIVIL ACTION NO. _____

IN RE THE MARRIAGE OF:

PETITIONER

**RULE OF CONTEMPT REQUIRING (PETITIONER/RESPONDENT) TO APPEAR AND SHOW
CAUSE; SETTING CONTEMPT HEARING**

VS.

RESPONDENT

SERVE BY: Warren County Sheriff
Petitioner/Respondent
Address of Petitioner/Respondent

This matter having come before the Court on the _____'s Motion for Rule of Contempt why the
Petitioner/Respondent, _____, should not be held in contempt for _____,
and the Court being sufficiently advised:

IT IS HEREBY ORDERED:

The Petitioner/Respondent, _____, shall appear before this Court on the _____ day of _____
_____, 2012 at _____ at the Warren County Justice Center, 3rd Floor, Bowling Green, Kentucky;
Judge _____'s courtroom; and show cause why he/she should not be held in contempt and sanctioned for
failure to comply with the prior orders or judgment of this Court. Pursuant to Lewis v. Lewis, 875 S.W.2d 862 (Ky.
1993) the Petitioner/Respondent is hereby informed that the Court is considering incarceration as a sanction against
him/her, and he/she is advised of his/her right to counsel. If the Petitioner/Respondent maintains that he/she is
entitled to appointment of counsel as an indigent under KRS Chapter 31, then not later than _____,
20____, the Petitioner/Respondent shall file with the Clerk of this Court an Affidavit of Indigency and shall contact
the Warren County Public Advocate, who shall appear with the Petitioner/Respondent at this show cause proceeding
on _____, 20____, at _____ for possible appointment to represent the Petitioner/Respondent
pursuant to Lewis v. Lewis, *supra*.

The Warren County Sheriff's office shall cause a copy of this Order to be served upon the Petitioner/Respondent by personally delivering same to him/her and shall make due return the Court evidencing such service.

In the event the Petitioner/Respondent, _____, fails to appear, a contempt finding will be entered and a warrant of arrest issues against the Petitioner/Respondent, _____.

This the _____ day of _____, 2011

_____, JUDGE
WARREN CIRCUIT COURT, DIVISION__

PROOF OF SERVICE

Comes _____ a duly authorize peace officer with the power to serve process in civil and/or criminal actions in Warren County, Kentucky. He/she hereby affirms that a true and correct copy of the _____'s Motion to Show Cause Order and Notice of Hearing before Judge _____ was personally delivered to the Petitioner/Respondent, _____, on the _____ day of _____, 20____.

PEACE OFFICER

CLERK SEND COPIES TO:

COMMONWEALTH OF KENTUCKY
8TH JUDICIAL CIRCUIT
WARREN CIRCUIT COURT - DIVISION ____
FAMILY COURT
_____, JUDGE
CIVIL ACTION NO. _____

IN RE THE MARRIAGE OF:

PETITIONER

EX PARTE KRS 406.160(2)(b) MOTION FOR TEMPORARY CHILD SUPPORT

VS.

RESPONDENT

Comes the Petitioner, _____, by counsel, and hereby moves the Court for an Order granting him/her temporary child support for the minor children, _____ having been born on _____ and _____ having been born on _____.

The Petitioner requests the Court to grant him/her child support in accordance with the statutory guidelines. The Petitioner attaches hereto as Exhibit 1 a child support calculation based upon his/her best estimates regarding income of the parties. This calculation is based upon the Petitioner's monthly gross income of \$ _____. The Petitioner estimates the Respondent's gross monthly income to be \$ _____.

WHEREFORE, the Petitioner respectfully request the Court to enter an Order so finding.

This the ____ day of _____, 20__.

VERIFICATION

The Petitioner, _____, states that he/she has read the foregoing motion and that the factual statements contained therein are true and correct to his/her best belief and knowledge.

STATE OF KENTUCKY

COUNTY OF WARREN

Subscribed and sworn to before me by _____ this the _____
day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

Certificate of Service:

This will certify that a true copy of this foregoing was this the _____ day of _____,
20____ placed with the Civil Summons to be served upon the Respondent at the following:

COMMONWEALTH OF KENTUCKY
8TH JUDICIAL CIRCUIT
WARREN CIRCUIT COURT - DIVISION ____
FAMILY COURT

_____, JUDGE
CIVIL ACTION NO. _____

IN RE THE MARRIAGE OF:

PETITIONER

ORDER GRANTING PETITIONER'S MOTION FOR TEMPORARY CHILD SUPPORT

VS.

RESPONDENT

This matter came before the Court upon the Petitioner's ex parte motion for temporary child support. Petitioner provided the Court with an affidavit stating the number of children of the marriage and the information required to calculate child support pursuant to KRS §403.212(2)(g).

Pursuant to KRS §403.160(2)(b), the Court may award temporary child support on a party's ex parte motion. The statute states:

Upon a showing of good cause, either party may move the court to enter an order for temporary child support without written or oral notice to the adverse party. After reviewing the affidavit..., the court may issue a temporary child support order based upon the child support guidelines. The order shall provide that the order becomes effective seven (7) days following service of the order and movant's affidavit upon the adverse party unless the adverse party, within the seven (7) day period, files a motion for a hearing before the court. The motion for a hearing shall be accompanied by the affidavit...Pending the hearing, the adverse party shall pay child support in an amount based upon the guidelines and the adverse party's affidavit. The child support order entered following the hearing shall be retroactive to the date of the filing of the motion for temporary support unless otherwise ordered by the court.

Having reviewed Petitioner's ex parte motion and affidavit the Court finds Petitioner to be in compliance with the above state statute.

The Court makes the award in the best interests of the child(ren) so that their needs can be met while the parties proceed to mediation. Therefore, pursuant to KRS §403.212, the Kentucky Child Support Guidelines, and Petitioner's affidavit, Respondent, _____, shall pay temporary child support in the amount of _____ dollars (\$____) per month pending further orders.

Petitioner stated in her affidavit that she has an annual gross income of _____ dollars (\$____). The Court finds Petitioner's gross monthly income to be _____ dollars (\$____). Petitioner further stated in the affidavit that Respondent's annual income is _____ dollars (\$____). The Court finds Respondent's gross monthly income to be _____ dollars (\$____). Thus, the parties' combined gross monthly income is _____ dollars (\$____). Petitioner's portion of the combined monthly income is ____% and Respondent's portion is ____%. The base monthly child support for two children with the parties' combined monthly income is _____ dollars (\$____). The child care expense is _____ dollars (\$____) per month. The health insurance is _____ dollars (\$____) per month for the minor child(ren). Thus, the total support obligation is _____ dollars (\$____) per month. As Respondent has ____% of the parties' combined monthly income, he is responsible for _____% of the monthly child support obligation.

Therefore, Respondent's child support obligation is _____ dollars (\$____) per month. Respondent shall also pay ____% of the minor child's medical, prescription drug, dental, and vision expenses, not covered by or reimbursed by insurance.

Respondent's child support payments are due the first of each month and shall be remitted to the Division of Child Support, P.O. Box 15059, Lexington, Kentucky 40512. It is mandatory that the following information appear on the check or money order in order for the monies to be distributed to the proper party: (1) IV-D Number (this is the account number); (2) Non-Custodial Parent's Social Security Number; and (3) the child's name.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that Petitioner's motion for temporary child support is **GRANTED**. Respondent's child support obligation shall be _____ dollars (\$____) per month. Respondent shall also pay ____% of the minor child's medical, prescription drug, dental and vision expenses not covered or reimbursed by insurance.

IT IS FURTHER ORDERED AND ADJUDGED that Respondent shall make his/her child support payment on the first of each month by mailing it with the required information to the Division of Child Support at the address stated above.

IT IS FURTHER ORDERED AND ADJUDGED that the Division of Child Support shall mail the monthly child support to the Petitioner at _____.

This Order shall become effective within seven (7) days of service on the Respondent of the Order and Petitioner's affidavit. Respondent may within a seven (7) day period file a motion for a hearing on this matter. If a motion for a hearing is so filed by Respondent, he/she shall continue paying the child support amount ordered above pending the outcome of the hearing.

This the _____ day of _____, 2011

_____, JUDGE
WARREN CIRCUIT COURT, DIVISION__

Clerk send copies to:

COMMONWEALTH OF KENTUCKY
WARREN CIRCUIT COURT DIVISION _____
FAMILY COURT _____
JUDGE, _____
CIVIL ACTION NO. _____

IN RE: THE MARRIAGE OF

PETITIONER

and

TIME-SHARING/VISITATION GUIDELINES

RESPONDENT

The following are the standard guidelines for parents and the court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time-sharing/visitation schedule, and **the final schedule established by the court or agreed to by the parties may or may not be what these guidelines suggest.**

As used in these guidelines, the primary residential parent is referred to as "**Parent One**," and the other parent is referred to as "**Parent Two**."

Check if
Applicable

☐

1. **REGULAR TIME-SHARING/VISITATION.** **Parent Two** may exercise time-sharing/visitation on alternate weekends from Friday evenings at 6:00 p.m. to Sunday evenings at 6:00 p.m. **Parent Two** shall pick the child up for visitation on Friday evening and the **Parent One** shall pick the child up at the conclusion of the time-sharing/visitation period on Sunday evening. **Parent Two** may also exercise time-sharing/visitation Thursday evenings following the weekend visit from 5:30 p.m. to 7:30 p.m., and shall be responsible for all transportation. The location for the pick up and drop off of the child shall be at the usual residence of the parent whom the child is with unless otherwise agreed upon by the parties or ordered by the court.

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2. **EXCHANGES.** The child and **Parent One** have no duty to await **Parent Two** for more than thirty (30) minutes after the scheduled time-sharing/visitation exchange. If **Parent Two** is more than thirty (30) minutes late, he/she shall forfeit that time-sharing/visitation period. A parent has the right to refuse time-sharing/visitation or to return the child to the other parent if the parent receiving the child is under the influence of intoxicants or drugs. If this should occur, the party refusing time-sharing/visitation or the return of the child shall give immediate notice to the court.

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3. **CERTAIN HOLIDAYS.** For the purpose of time-sharing/visitation, the following holidays shall be divided between the parents:

(1) New Years Day
(3) Easter
(5) July 4th

(2) Martin Luther King Day
(4) Memorial Day
(6) Labor Day

In the odd-numbered years (i.e. 2011), **Parent One** shall have the child on the odd-numbered holidays (left column) and **Parent Two** shall be awarded time-sharing/visitation on the even-numbered holidays (right column). In the even-numbered years (i.e. 2012), **Parent Two** shall be awarded time-sharing/visitation on the odd-numbered holidays and **Parent One** shall be awarded the even-numbered holidays. Time-sharing/visitation shall be from 9:00 a.m. until 9:00 p.m., unless the child is in school that day, in which case time-sharing/visitation shall take place from 5:00 p.m. to 9:00 p.m.

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4. CHRISTMAS HOLIDAY. Parents are encouraged to recognize and honor one another's Christmas holiday observances and traditions with extended families. Specifically, parents should be flexible to accommodate travel times and distances, and do their best to avoid scheduling events which interfere with the other parent's scheduled time. If parents are of different religious faiths, each parent shall recognize the other's religious holidays, if celebrated, and alternate holidays similarly. The location for the pick up and drop off of the child shall be at the usual residence of the parent whom the child is with unless otherwise agreed upon by the parties or ordered by the court.

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A. The Christmas holiday shall be divided into two periods. Period A shall be the seven-day period ending December 24 at 8:00 p.m. Period B shall be the seven-day period commencing December 24 at 8:00 p.m. The exchange at the beginning of Period A and the end of Period B shall be 12:00 noon. If the commencement of Period A occurs prior to the school recess, then Period A shall not commence until school is recessed.

In odd-numbered years (i.e. 2011), **Parent Two** shall have Period A and Parent One shall have Period B. In even numbered years (i.e. 2012), **Parent One** shall have Period A and **Parent Two** shall have Period B. The receiving party shall pick up the child.

—OR—

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B. Each year at Christmas **Parent One** shall be allowed to have Christmas Day with the child, and **Parent Two** shall be allowed time-sharing/visitation with the child from 1:00 p.m. to 9:00 p.m. on Christmas Eve. **Parent Two** also shall be allowed time-sharing/visitation with the child from 1:00 p.m. on December 26 until 6:00 p.m. on December 31. **Parent Two** shall pick up the child at the beginning of the time-sharing/visitation period which begins on December 26 and **Parent One** shall pick up the child at the conclusion of the time-sharing/visitation period on December 31.

--OR--

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5. MOTHER'S/FATHER'S DAY. On Mother's Day and Father's Day, no matter whose turn for time-sharing/visitation, the appropriate parent shall be awarded time-sharing/visitation with the child. Time-sharing/visitation shall be from 9:00 a.m. to 9:00 p.m.

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6. EXTENDED SUMMER TIME-SHARING/VISITATION. For a child four (4) years or older, **Parent Two** shall have a four-week (4) time-sharing/visitation period each summer provided there shall be no continuous time-sharing/visitation of longer than two weeks at a time. For a child between the age of two (2) and four (4), **Parent Two** shall be awarded two (2) weeks time-sharing/visitation. For a child between the age of one (1) and two (2), **Parent Two** shall be awarded one (1) week of time-sharing/visitation. For a child under the age of one (1), **Parent Two** shall be awarded time-sharing/visitation for three (3) days.

Parent Two shall pick up the child at the beginning of the summer time-sharing/visitation period and **Parent One** shall pick up the child at the conclusion of the time-sharing/visitation period.

The location for the pick up and drop off of the child shall be at the usual residence of the parent whom the child is with unless otherwise agreed upon by the parties or ordered by the court. **Parent Two** shall specify to **Parent One** when he/she wishes the summer time-sharing/visitation period to take place at least sixty (60) days prior to the summer time-sharing/visitation period. Each party shall give the other party at least sixty (60) days notice of a scheduled work vacation in order that the parties may work together to give the vacationing party extra time-sharing/visitation provided the child does not miss school or his/her previously scheduled activities.

Parent One shall have 14 days of uninterrupted time with the child during the summer. **Parent One** shall specify to **Parent Two** when he/she wishes the uninterrupted time to take place at least sixty (60) days prior to the uninterrupted time. Parent who does not have child shall have reasonable telephonic communication.

During the summer, the regular time-sharing/visitation schedule with a child four (4) years or older shall be suspended. Otherwise, for all other children, **Parent One** shall not have time-sharing/visitation with the child while **Parent Two** is exercising extended summer time-sharing/visitation.

☐ 7. **SPRING/FALL BREAK (CITY SCHOOLS).** If the child is in the city school system, **Parent Two** shall be entitled to one (1) week of time-sharing/visitation with the child during spring break each year, and the fall break period in alternating years. In years during which **Parent One** exercises Thanksgiving Holiday time-sharing/visitation, **Parent Two** shall have the first week of spring break and fall break, and **Parent One** shall have the second week of spring break. In years during which **Parent Two** exercises Thanksgiving Holiday time-sharing/visitation, **Parent One** shall have the first week of spring break and fall break, and **Parent Two** shall have the second week of spring break. The time-sharing/visitation period shall take place from Saturday at noon until the following Saturday at noon. **Parent Two** shall pick up the child at the beginning of the spring or fall break and **Parent One** shall pick up the child at the conclusion of the spring or fall break. The location for the pick up and drop off of the child shall be at the usual residence of the parent whom the child is with unless otherwise agreed upon by the parties or ordered by the court. This time-sharing/visitation schedule is not designed to disrupt the alternating weekend time-sharing/visitation periods just prior to and after the spring or fall time-sharing/visitation. If the child is attending the inter-session program offered in the city school system then the parent with whom the child is residing during the inter-session program shall be responsible for assuring the child's attendance at the inter-session program.

☐ 8. **SPRING/FALL BREAK (COUNTY SCHOOLS).** If the child is in the county school system, **Parent Two** shall have the child in alternating years for either the one (1) week spring break or the one (1) week fall break. The time-sharing/visitation shall take place from Saturday at noon until the following Saturday at noon. **Parent Two** shall pick up the child at the beginning of the spring or fall break and **Parent One** shall pick up the child at the conclusion of the spring or fall break. The location for the pick up and drop off of the child shall be at the usual residence of the parent whom the child is with unless otherwise agreed upon by the parties or ordered by the court. This time-sharing/visitation schedule is not designed to disrupt the alternating weekend time-sharing/visitation just prior to and after the spring or fall break time-sharing/visitation. Unless otherwise agreed, the first spring break vacation with **Parent Two** shall take place in the first full calendar year following the year in which the Decree of Dissolution of Marriage or time-sharing/visitation order was entered.

☐ 9. **EASTER CONFLICT.** Should Easter fall during a spring break when the child is with **Parent One** and it is **Parent Two's** turn to have time-sharing/visitation with the child for Easter vacation, then an additional non-scheduled time-sharing/visitation day shall be granted to **Parent Two**.

10. **BIRTHDAY.** The child shall celebrate his/her birthday in the home of **Parent One**, unless it

falls on a time-sharing/visitation day. If **Parent Two** does not have the child on the child's birthday, then an additional non-scheduled time-sharing/visitation day shall be granted so that **Parent Two** may give the child a birthday, if desired.

☐ 10. **THANKSGIVING HOLIDAY.** During years **Parent Two** does not have the child for fall break, **Parent Two** may exercise time-sharing/visitation with the child for the four (4) day Thanksgiving holiday. Time-sharing/visitation shall begin at 9:00 a.m. Thursday morning and end at 6:00 p.m. Sunday evening. For a child under the age of one (1), time-sharing/visitation shall begin at 9:00 a.m. Thursday and end at 6:00 p.m. Saturday. **Parent Two** shall pick up the child at the beginning of the Thanksgiving time-sharing/visitation period, and **Parent One** shall pick up the child at the conclusion of the Thanksgiving time-sharing/visitation period. The location for the pick up and drop off of the child shall be at the usual residence of the parent whom the child is with unless otherwise agreed upon by the parties or ordered by the court.

☐ 11. **CHILD RESTRAINT SEAT.** Both parents shall be required to secure the child in a child restraint system when transporting the child, as provided in KRS 189.125 (2).

☐ 12. **TIME-SHARING/VISITATION PRIORITIES.** If the Regular Time-sharing/Visitation conflicts with Holiday Time-sharing/Visitation or vacation, the Holiday Time-sharing/Visitation or vacation shall take precedence. If a vacation conflicts with Holiday Time-sharing/Visitation, the Holiday Time-sharing/Visitation shall take precedence.

☐ 13. **OTHER.** _____

This the _____ day of _____, 20__.

JUDGE, WARREN CIRCUIT COURT
DIVISION _____
FAMILY COURT _____

If the action is agreed, the parties shall sign as have seen and agreed:

HAVE SEEN AND AGREED:

Petitioner, Parent _____ (One or Two)

Respondent, Parent _____ (One or Two)

Clerk Copy:

DUTIES OF THE MEDIATOR

The mediator has a duty to define and describe the process of mediation and its costs during an orientation session with the parties at the commencement of the mediation conference. The orientation should include the following:

1. A description of the roles and responsibilities of the mediator, counsel, and the parties;
2. The fees per session;
3. A statement that any agreement reached will be reached by mutual consent of the parties;
4. An explanation that mediation differs from other forms of conflict resolution including therapy, counseling, arbitration, and the practice of law;
5. A description of the circumstances under which the mediator may meet privately with either of the parties and their counsel, if represented, or with any other person, i.e., during scheduled mediation, the mediator may meet and consult privately with any party or parties and their counsel;
6. An explanation that statements made during mediation hearings by any party shall be privileged, exempt from subpoena and discovery, and shall not be admissible in any proceeding for any purpose. Such statements shall also be deemed confidential except for the purposes of the mediator reporting to the court as outlined in these Rules and will be released to no other person or agency without the express written consent of both of the parties to the dispute. The only exception is that the mediator shall be responsible for reporting abuse according to KRS 209.030 and KRS 620.030;
7. The acquisition of any information necessary to define the disputed issues;
8. An explanation by the mediator that during the process of mediation the parties may, by agreement, employ a third party to help resolve factual disputes, e.g. valuation of assets, determination of tax consequences, psychological evaluations, child custody evaluations, etc....;
9. A statement by the mediator that he/she shall conduct the mediation in accordance with these results; and
10. Scheduling by the mediator of any further mediation sessions for the parties.

MEDIATOR'S CHARGES

1. A mediator shall give a written explanation of the fees and related costs, including time and manner of payment, to the parties prior to the mediation. The explanation shall include the basis for and amount of charges, if any, for:
 - a. Mediation sessions;
 - b. Preparation for sessions;
 - c. Travel time;
 - d. Postponement or cancellation of mediation sessions by the parties and the circumstances under which such charges will normally be assessed or waived;
 - e. Preparation of the parties' written mediation agreement if prepared by the mediator; and
 - f. All other items billed by the mediator.
2. A mediator should provide mediation services pro bono or at a reduced rate of compensation whenever appropriate.